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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1461 OF 2022

Ashok Thamaji Shelar and Others

APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the applicants
Mr. N. T. Bhagat, APP for respondent - State assisted by P. K.
Ippar, advocate for the informant

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WITH
ANTICIPATORY BAIL APPLICATION NO.1508 OF 2022

Aniket Bhaskar Patole

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....

Mr. Rahul R. Karpe, Advocate for the applicants
Mr. N. T. Bhagat, APP for respondent - State assisted by P. K.
Ippar, advocate for the informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 19th DECEMBER, 2022

ORDER :

1. The applicants apprehend arrest in Crime No.883 of 2022 registered with Shrirapur City Police Station, Shrirampur for offence punishable under sections 302, 201 read with 34 of the

Indian Penal Code and under section 3(1) (2) of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman Evil and Aghori Practices and Black Magic Act, 2013.

2. Informant Rajendra Nannavare lodged a private criminal complaint bearing Criminal MA No. 125 of 2022 on 7th September, 2022, in which the Trial Court directed investigation under section 156 (3) of the Criminal Procedure Code. Pursuant to the said direction, present crime is registered. It is alleged by the informant that marriage of deceased Jyoti with accused No.1 Shashikant took place in the year 2004. They are blessed with two children, son Yash and daughter Namoshree. Shashikant was working as Medical Representative, however, his income was not sufficient to run the family. Jyoti was working as a Cook in Anganwadi. Accused No.4 to 6, who are in laws, used to take away the earnings of Jyoti. To improve the financial condition, accused persons resorted to black magic, for getting hidden treasure. On 5th January, 2022, some articles wrapped in brown cloth were delivered to accused No.1 by accused No.11 and 12 which were kept in cupboard. In the night, when father of Jyoti called her, she narrated about quarrels between her and her in laws. At about 11.00 p.m., accused No.1 returned in drunken condition and removed gas cylinder and fixed new gas cylinder

and gas stove, due to which there was quarrel between Jyoti and accused No.1.

3. On 6th January, 2022, at about 7.00 a.m., the informant received a phone call from accused No.3 about gas explosion in the house of deceased Jyoti. After visiting Belapur, the informant came to know that Jyoti and her daughter Namoshree had suffered severe burn injuries. At the time of explosion, it is alleged that, accused No.1, instead of saving Jyoti and Namoshree, was taking rounds himself by joining hands and was chanting some mantras. Accused persons informed the informant that the explosion took place due to gas leakage. On these allegations, the FIR is registered.

4. Heard learned advocates for the applicants and the learned Additional Public Prosecutor for the State and learned advocate for the informant. Perused the investigation papers.

5. The incident has taken place on 6th January, 2022, whereas the private complaint is lodged on 16th March, 2022 and the FIR is registered on 20th September, 2022. The delay in lodging the FIR is unexplained.

6. After perusal of the investigation papers, when it was noticed that gas cylinders were intact at the time of the incident,

the Investigating Officer was called upon to explain as to how the explosion has taken place.

7. Mr. J. B. Borse, Assistant Police Inspector, Shrirampur City Police Station, the Investigating Officer has personally remained present and explained the cause of explosion and the manner in which it has taken place. According to him, investigation revealed that during the night time, when gas cylinder was changed, there was gas leakage. Due to the leakage, gas accumulated in the room during night time. In the morning, when Jyoti wanted to heat water for bathing, when she tried to put the gas stove on, the explosion has taken place. In the explosion Jyoti and Namoshree received burn injuries. Accused No.1 – Shashikant also has received 48% burn injuries.

8. *Prima facie*, the investigation has revealed that it was accidental explosion and the allegations of the informant that it was a pre-planned explosion, does not appear to be correct. No active role is attributed to the applicants in the alleged incident.

9. In that view of the matter, pre-trial custodial detention of the applicants is not warranted in the facts of the present case. It appears from the papers of investigation that, the investigation is almost complete and charge sheet is likely to be

filed soon.

10. In the light of above, the applications are allowed. In the event of arrest of the applicants in Crime No.883 of 2022 registered with Shrirapur City Police Station, Shrirampur for offence punishable under sections 302, 201 read with 34 of the Indian Penal Code and under section 3(1) (2) of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman Evil and Aghori Practices and Black Magic Act, 2013, the applicants be released on executing PB and SB of Rs.15,000/- each with one surety each in the like amount.

11. The applicants shall attend concerned police station every day from 19th to 23rd December, 2022 between 10.00 a.m. and 12.00 noon and shall co-operate in the investigation. The applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

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