

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.6 OF 2023

Vanita W/o. Mahadeo Jadhav

.... Applicant

Versus

The State of Maharashtra
and another

.... Respondents

.....

Mr. Sachin S. Panale, Advocate for the Applicant

Mr. S.R. Yadav Lonikar, APP for Respondents – State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 03rd FEBRUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No.0392 of 2022 registered with Shivajinagar Police Station, Latur for offences punishable under sections 302 read 34 of the Indian Penal Code.

2. FIR is lodged by Sunita Hari Salunke alleging that, she resides at Pune along with her son Kishor and her family. Her husband reside at village Sonkhed. Kishor was driver by profession. On 14/09/2022, Kishor left Pune and reached Latur at 10.00 a.m. Kishor informed her that he has reached at Latur, and he is with Pandurang Jadhav, who is son of his maternal aunt. She alleged that, Kishor paid Rs.1,500/- to

Pandurang so as to transmit the same to the informant, but Pandurang did not transmit the said amount. The dispute on that count arose between Kishor and Pandurang. Thereafter, on 15/09/2022, she received call from the present applicant, who is her sister-in-law informing her that Kishor had taken the motorcycle of Pandurang at some unknown place. The applicant, therefore, asked her to inquire with the Kishor whereabouts of the motorcycle of Pandurang. Thereafter, she received call from Pandurang, and lastly Pandurang informed her that Kishor slipped down and was taken to the hospital but the doctor declared him dead.

3. Heard learned advocate for the applicant/s and learned Additional Public Prosecutor for the State. Perused the papers of the investigation.

4. Investigation papers do not reveal involvement of the applicant in the alleged offence. *Prima facie*, it appears from the record that Kishor was thrashed by Pandurang and due to injuries suffered by him, he expired. Provisional death certificate shows cause of death as 'head injury'. Pandurang's 2 brothers were arrested and they are released on bail. Learned advocate for the applicant informs that Pandurang was released on default bail as charge-sheet was not filed in

time. Nothing is to be recovered from the applicant. The offence is registered on 16/09/2022, and the investigation appears to be on the verge of completion. Taking into consideration these aspects, pre-trial custodial detention of the applicant is not necessary in the facts of the present case.

5. In the result, the application is allowed by confirming the interim protection.

6. Till filing of the charge sheet, the applicants shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane