

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 508 OF 2023

RAJU ASHOK KHANDARE AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicants : Mr. Naik Thigle Girish K  
APP for Respondents : Mr. S.P. Sonpawale

**CORAM : R.M. JOSHI, J.**  
**DATE : 08<sup>th</sup> June, 2023**

**PER COURT :**

1. Applicants are parents of the minor against whom it is alleged that he has committed murder of the son of informant. On the basis of FIR No. 89 of 2023, registered on 03.03.2023, with Hatta Police Station, Taluka Basmath, District Hingoli, for the offences punishable under Sections 302, 201, 107 read with 34 of IPC. Applicants are apprehending arrest.

2. Perusal of the First Information Report shows in respect of the incident occurred on 05.04.2022, the report is lodged on 03.03.3023. It is alleged in the report that the deceased son of the informant was best friend of the son of the applicant. It is, however, alleged that their parents had political rivalry. It is further alleged that in the suspicious circumstances son of the informant died and that hurriedly his last rituals were

conducted and prior thereto, the applicants herein have ensured that there is no proper postmortem of the deceased is done. On the basis of these allegations, offence is registered.

3. Learned counsel for the applicants states that the report has been lodged belatedly and on unfounded and imaginary allegations are made against the applicants and their son. It is further contended that in the unfortunate incident the cousin brother of the minor i.e. son of the applicants also lost his life. According to him, accidentally son of the informant fell into the cannal and when, cousin of the minor went to save him, he also died by drowning. It is submitted that notice was issued by the informant to the minor on 19.07.2022, which is duly replied denying the allegations and placing the facts on record. Thus according to him, there is no evidence in order to connect the present applicants in the crime in question.

4. Learned APP opposed the said submission and opposed grant of anticipatory bail on the ground that the offence is serious.

5. Perusal of the police papers indicates that an unfortunate incident occurred on 05.04.2022, in which Kapil, son of the informant as well as Tejas, the cousin brother of the son of

the applicants lost their lives. The post mortem notes of the son of the informant clearly shows that the cause of death was by drowning. There were no injuries found on the person of the deceased. These facts clearly indicate that it was an accidental death.

6. In this background, the delay caused in lodging of the report assumes importance. Record indicates that on 11.10.2022, i.e. almost after a period of six months from the date of the incident, an application was moved before the Magistrate under Section 156 (3) of Cr.p.c. and pursuant to the order passed by the Magistrate offence came to be registered on 03.03.2023. Even perusal of the FIR report indicates that it does not state any fact but on the face of it, it is nothing but surmises and imagination of the informant which is reflected therein. *Prima facie*, there is absolutely no evidence on record to show that the offence punishable under Sections 302 is made out. Moreover, there is no material to indicate that deceased was murdered and the applicants conspired with their son for eliminating the deceased.

7. In such circumstances, it is a fit case where the liberty of the applicants needs to be protected. Hence, application stands allowed.

**ORDER**

- i. In the event of arrest of applicant in connection with Crime No. 89 of 2023, registered with Hatta Police Station, Taluka Basmath, District Hingoli, for the offences punishable under Sections 302, 201, 107 read with 34 of IPC. They shall be released on bail on furnishing PR Bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with one solvent surety in the like amount.
- ii. They shall attend the concerned police station as and when called to the investigation.
- iii. They shall not contact the witnesses directly or indirectly.
- iv. They shall not interfere with the evidence in any manner whatsoever.
- v. They are further directed to co-operate the investigating agency for further investigation.

**[ R.M. JOSHI, J. ]**