

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

ANTICIPATORY BAIL APPLICATION NO. 518 OF 2023

Sunil Baburao @ Samsher Bhosle

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. S.J. Salunke, Advocate for applicant
Ms. R.P. Gour, A.P.P. for respondents
....

**CORAM : R.G. AVACHAT, J.
DATE : 28th APRIL, 2023**

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No. 59 of 2022 registered with Dindrud Police Station, Dist. Beed for the offences punishable under Sections 302, 328 and 506 read with Section 34 of the Indian Penal Code ('I.P.C.').

2. Heard. Perused First Information Report ('F.I.R.') and related police papers.

3. F.I.R. has been lodged five days after the alleged incident. The reason assigned therein that until arrival of mother lodging of the F.I.R. was

awaited, does not appeal. The inquest panchanama records that the deceased was heavily drunk and thus he himself consumed unknown pesticide. It was the say of some of the relations of the deceased. Investigation of the crime has been over and charge-sheet has been filed way back in July 2022. The applicant is shown absconding.

4. Learned A.P.P. submits that the co-accused have been released on regular bail and some role has been played by the applicant, he does not deserve anticipatory bail. The fact that there is delay of five days in lodging the F.I.R. and the relations of the deceased reported to the police that the deceased had heavily consumed alcohol and then consumed unknown pesticides, leads this Court to grant protection to the applicant. Hence the following order :-

ORDER

(I) Application is allowed.

(II) In the event of arrest of the applicant, in connection with Crime No. 59 of 2022 registered with Dindrud Police Station, Dist. Beed for the offences punishable under Sections 302, 328 and 506 read with Section 34 of the Indian Penal Code, the applicant be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.

(III) The applicant shall appear before the investigating officer, as and when required for the investigating purpose.

(IV) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD