

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

ANTICIPATORY BAIL APPLICATION NO.606 OF 2023

SONU @ SUNIL MOHAN PARDESHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. A. B. Girase h/f Mr. N. S.
Salunke

APP for Respondents: Mr. S. N. Morampalle

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CORAM : R.M. JOSHI, J

DATE : JULY 18, 2023

PER COURT :

1. At the outset, learned Counsel for the Applicant after taking instructions from the Counsel who had appeared in the earlier anticipatory bail application states that the Anticipatory Bail Application No. 1215/2019 was simplicitor withdrawn as charge-sheet was filed.

2. This fact shows that charge-sheet was not considered by this Court while allowing the Applicant to withdraw application on 24.09.2019.

3. Perusal of the record indicate that it is alleged against the present Applicant that he had supplied gun which was used in the crime in question.

However, in order to support the said allegations there is absolutely no evidence on record. Though there are two statements of witnesses i.e., Jain and Poonam, however, their statement indicates that they received said knowledge either from police or from husband of the lady. Thus, these hearsay statements cannot be construed as evidence against present Applicant.

4. Though it is the case wherein the deceased has died on account of sustaining bullet injuries however, the investigating agency has found it appropriate to file charge-sheet not under Section 302 but Section 304 of IPC. If Section 304 of IPC is applied then in that case even any remote connection of the Applicant could not be sufficient to make him undergo the custodial interrogation. Charge-sheet is already filed.

5. In view of above, application is allowed.
Hence, the order:

O R D E R

- (i) In the event of arrest the Applicant in connection with C.R. No. 669 of 2019 registered with Shirdi Police Station, Tq. Rahata, Dist. Ahmednagar for the offences punishable under Sections 304, 307 and 34 of IPC and Section 3 and 25 of Indian Arms Act,

he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.

- (ii) He shall attend the concerned police station once in a week.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani