

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

ANTICIPATORY BAIL APPLICATION NO.797 OF 2023

ANIKET @ SAKHARAM S/O SURESH BORADE AND ANOTHER  
VERSUS  
THE SUPERINTENDENT OF POLICE JALNA AND ANOTHER

...  
Advocate for Applicants : Mr. P. P. More  
APP for Respondents: Mr. S. N. Morampalle

...  
**CORAM : R.M. JOSHI, J**

**DATE : JUNE 26, 2023**

**PER COURT :**

1. Applicants apprehend arrest in connection with with C.R. No. 132 of 2023 registered with Mantha Police Station, Dist. Jalna for the offences punishable under Sections 302, 201 of the Indian Penal Code.

2. First informant Satish reported to police that he received intimation about dead body of his brother Pradip being found at market yard area. He, therefore, went to the said spot and found that deceased having sustained number of injuries. On the basis of this information, offence came to be registered against unknown persons.

3. Learned Counsel for the Applicants states on the basis of statement of co-accused present Applicants

are apprehending arrest. It is submitted that such statement cannot be proved and even otherwise the same is accepted, the offence alleged against present Applicants would be punishable under Section 201 of IPC and in any case charge of murder cannot be attracted to them.

4. Learned APP opposed the application by stating that offence is serious in nature. There is evidence to indicate that two persons took Pradip on motorcycle and the same has been captured in CCTV footage. On instructions from investigating officer he fairly states that perusal of the said CCTV footage is of no use for identification of the persons, who were riding the motorcycle.

5. Since evidence of CCTV footage is not good enough to identify applicants as persons riding motorcycle, the only evidence against present Applicant is statement of co-accused. Though, it is settled legal position that statement made by the accused to the police is not admissible in evidence but even for the sake of arguments same is accepted as it is, the offence against present Applicants cannot go beyond

Section 201 of IPC.

6. It is informed to this Court that the co-accused are already enlarged on regular bail. Since there is no evidence to connect Applicants with the offence punishable under Section 302 IPC, their liberty deserves to be protected. In such circumstances, direction to the Applicants to appear before the investigating officer would be sufficient for further effective investigation.

7. Hence, the order:

#### O R D E R

- (i) In the event of arrest the Applicants in connection with with C.R. No. 132 of 2023 registered with Mantha Police Station, Dist. Jalna for the offences punishable under Sections 302, 201 of the Indian Penal Code, 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 required.
- (iii) They shall not contact the prosecution witnesses directly or indirectly.
- (iv) They shall not interfere with the evidence in any manner whatsoever.

(v) They are further directed to cooperate the  
investigating agency for further  
investigation.

(R.M. JOSHI, J.)

Malani