

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

BAIL APPLICATION NO. 1678 OF 2023

Ramnath Dharmaraj Dhakane

... Applicant

Versus

The State of Maharashtra

... Respondent

...
Mr. S. S. Thombre, Advocate for the Applicant
Mrs. P. V. Diggikar, APP for the Respondent/State
...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 18.10.2023

PER COURT :

1. Heard the learned Advocate for the applicant and learned APP for the respondent/State.
2. By this application, the applicant seeks regular bail in connection with Crime No.503/2023 dated 24/08/2023, registered with Kaij Police Station for the offences punishable under Sections 302, 201, 212, 120-B, 370 and 506 read with Section 34 of the Indian Penal Code [for short 'IPC'].
3. The investigation was set in motion on the basis of information given by Kushavarti Ranghnath Kamble. She alleges that, her daughter - Shital was married to one Limabji Waghmare, who expired in the Covid period. Therefore, Shital joined as a Dancer with Art Dance Center at Sarola Taluka Kaij. One Gajanan Karale

was a visitor of Kala Kendra. He used to take Shital outside the Kala Kendra and for that, an amount of Rs.3,100/- was charged by the owner of Kala Kendra, namely, Ramnath Dhakne [present applicant]. It is further alleged that, Gajanan Karale was doubting that Shital had developed relations with his friend, namely, Ghuge. Therefore, on the date of incident, he took Shital to the Hotal Rajyog. However, next morning Shital did not return. The informant along with others had been to Rajyog Lodge searching for Shital, where they saw her in dead condition. Some injury marks were noticed on her neck.

4. It is further alleged that because of threats of the applicant/accused and others, the informant did not lodge the report and took the dead body of Shital to her village, where last rites were performed. On the basis aforesaid information, Crime No.503/2023 came to be registered for the offences under Sections 302, 201, 212, 120-B, 370 and 506 read with Section 34 of IPC against in all six accused persons. The applicants has been arrested on 24/08/2023. Since then, he is behind the bars.
5. Mr. Thombre, learned Advocate appearing for the applicant submits that the applicant cannot be attributed with graver offence under Section 302 of IPC. The applicant has been apprehended with accusation of commission of offence under Sections 201 and 212 of IPC. He would submit that the informant, on her own volition, took dead body of Shital to the village, where

last rites were performed. Thereafter, the FIR has been lodged with inordinate delay. He would submit that the false and afterthought allegations are incorporated against the applicant to bring his complicity in commission of offence. In fact, the applicant has no role in the offence. He would therefore urge that the applicant be released on bail.

6. Learned APP strongly opposes the prayer contending that the applicant used to collect Rs.3,100/- from the main accused and thereafter, the accused used to take Shital / deceased to the lodge. The applicant was aware that it was a homicidal death, still he failed to report the incident to the police and even prevented the informant from doing so by giving threats. According to her, the offence under Section 201 as well as 212 of IPC attracts against the applicant, which is punishable with imprisonment of seven years. As such, she opposes the prayer for grant of bail.
7. Having considered the submissions advanced, apparently, the incident in question took place on 18/06/2023. The FIR is lodged on 24/08/2023. There is an inordinate delay in lodging the FIR. It can be gathered from the contents of FIR that the informant is a mother of victim. She took the deceased to her village where the last rites were performed. Even it is assumed that because of threats of the applicant and others, she could not lodge FIR immediately, after reaching the village, it was very much possible

for her to report the police. One does not know what prevented her from doing so.

8. Be that as it may, looking to the allegations in the FIR, no attributions could be found regarding complicity of the applicant in commission of offences under Section 302 of IPC. Whether the applicant can be attributed with commission of offence under Section 201 and 212 of IPC would be the question to be determined in trial. The applicant is arrested on 24/08/2023. The papers show that the investigation is practically over. All the accused persons are arrested. The applicant was remanded to police custody. Nothing incriminating recovered from him. Except bare allegations in the FIR, there is no other material to show the complicity of the applicant in commission of offence. In that view of the matter, further detention of the applicant would not be necessary. Therefore, the case is made out for grant of bail. Hence, following order:

ORDER

- (I)** Bail Application is allowed.
- (ii)** The applicant, namely, Ramnath Dharmaraj Dhakane, be released on bail in connection with Crime No.503/2023 dated 24/08/2023, registered with Kaij Police Station for the offences punishable under Sections 302, 201, 212, 120-B, 370 and 506 read with Section 34 of IPC on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) on the following conditions:
- (a)** The applicant shall not tamper with the prosecution evidence / witnesses in any manner.

- (b)** He shall attend the concerned Police Station once in a week i.e. on every Saturday between 10:00 am to 2:00 pm.
 - (c)** He shall co-operate with the investigation.
 - (d)** On filing of charge-sheet, he shall attend each and every effective dates before the Trial Court.
- (iii)** Bail Application is disposed of accordingly.

[S. G. CHAPALGAONKAR]
JUDGE

Sameer