

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

ANTICIPATORY BAIL APPLICATION NO.1617 OF 2022

**DNYANESHWAR VISHNU BAVISKAR AND OTHERS
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

...

WITH

ANTICIPATORY BAIL APPLICATION NO.1612 OF 2022

MAGAN MURLIDHAR BAVISKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Vikram R. Dhorde, Advocate for Applicants

Mr. A. A. Jagatkar, APP for Respondents – State

Mr. Nirmal R. Dayama, Advocate for Informant

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 04th JANUARY, 2023

PER COURT :

1. Applicants apprehend arrest in Crime No.175/2022, registered with Adavad Police Station, District Jalgaon, for offence punishable under Sections 306, 504, 506 read with 34 of the Indian Penal Code.

2. Sunil Baviskar lodged FIR against applicants alleging that his younger brother Anil used to stay near his house. Applicants used to abuse Anil and him, and used to quarrel with them. On 31/10/2022, Anil along with Balwant was at Chopada. In the afternoon accused Magan met him and quarreled with him.

Balwant pacified the quarrel. On 03/11/2022 accused Kishor called informant and abused him about quarrel which took place between accused Magan and Anil, and threatened to kill him. Anil was fearing that accused persons will come in the village and beat him. Therefore, he expressed to the informant that he may commit suicide. On 03/11/2022 Anil committed suicide. Informant, therefore, alleged that applicants/accused are responsible for Anil's suicide.

3. Heard learned advocate for applicants, learned Additional Public Prosecutor for respondents – State and learned advocate representing informant. Perused the investigation papers.

4. Learned Additional Public Prosecutor and learned advocate representing informant strenuously opposed bail application on the ground that there are criminal antecedents of applicants Kishor, Sagar and Magan. According to them, offence punishable under Sections 384, 307 and 324 are registered against these three applicants.

5. Learned advocate for applicants submitted that applicants are implicated in the present crime due to political rivalry. Applicant Kishor contested election of Sarpanch of village Pungaon and he was declared elected and the witness Balwant, who has supported version of the informant in respect of incident of

threats dated 31/10/2022, has lost the said election. There appears substance in the said contention that due to political rivalry applicants are falsely implicated in the present crime.

6. No ingredients of abetment as contemplated under Section 107 of IPC are made out from the investigation papers. Anil committed suicide on 03/11/2022. FIR is lodged on 06/11/2022. The delay in lodging FIR is not explained. Applicants are permanent residents of the address given in the clause title and they are not likely to flee from justice. They have deep roots in the society and they will be available for trial. There does not appear any possibility that applicants would abscond if released on bail. Considering these aspects, applications deserve to be allowed.

7. Hence the following order :-

ORDER

- (I) Applications are allowed by confirming interim order dated 01/12/2022.
- (II) Till filing of charge-sheet, applicants shall attend concerned police station as and when called by Investigating Officer.
- (III) Till filing of charge-sheet, applicants shall not enter the village Pungaon, Adavad, Taluka Chopda, District Jalgaon.

- (IV) Applicant No.2 Kishor Murlidhar Baviskar, who is elected as a Member of Village Panchayat, Pungaon, will be entitled to attend meetings of Village Panchayat, Pungaon.
- (V) Applicants, in any manner, shall not influence prosecution witnesses and/or tamper the prosecution evidence.

(NITIN B. SURYAWANSHI, J.)