

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1903 OF 2023**

GAJANAN RANGANTH DHABADAGE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. H. D. Deshmukh, Advocate for the Applicant.
Mrs. P. V. Diggikar, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 09th NOVEMBER, 2023.**

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.120 of 2022 registered with Tadaklas Police Station, District Parbhani for the offences punishable under Sections 302, 201, 120-B, 324, 504, 506 r/w 34 of the Indian Penal Code.

2. The investigation has been set in motion on the complaint given by Dashrath Manchakrao Kadam. In nutshell, it is alleged that, the deceased – Krushna Kadam was about to disclose the name of present accused and others to the police regarding commission of some offence. To prevent such disclosure and also to avoid some payment of amount due towards the applicant, it is alleged that the accused persons conspired and killed the deceased. In pursuance of the said report, investigation was carried. During the investigation, applicant as well as two other accused persons, namely, Shankar Piraji Dhabadage and Laxman @ Raju were arrested. On completion of investigation, charge-sheet is filed. The applicant moved the Sessions Court for grant of bail. However, his prayer has been rejected. Hence, the present bail application.

3. Mr. Deshmukh, learned Advocate appearing for the applicant would submit that the applicant has been falsely implicated in the aforesaid crime. In fact, charge-sheet is based

on suspicion. The chain of circumstances sought to be brought on record is bereft to make out any offence. He would submit that charge-sheet is filed against in all four accused persons. Three of them are already enlarged on bail by orders of this Court in Bail Application Nos.280/2023 (Shankar Piraji Dhabadage), 428/2023 (Laxman @ Raju Namdeo Paul) and 1477/2023 (Piraji Ambadasrao Dhabadage). He would, therefore, submit that role of the applicant cannot be segregated from the role of the accused persons who are already enlarged on bail. As such, on principle of parity, he seeks release of the applicant on bail.

4. The learned APP strongly opposes the prayer. She would submit that the statement of the witness Soni Zade throws light on the conspiracy of the accused persons to commit murder of deceased Krushna. She had heard the conversation in this regard. She would invite attention of this Court to the statement of witness Kailas Jadhav, who had lastly seen the deceased in the company of the accused persons including applicant while traveling in Scorpio Jeep and he has further seen that when said Jeep returned back, deceased Krushna was missing. She would, therefore, submit that *prima facie* there is sufficient evidence to bring home guilt against the applicant.

5. Having considered submissions advanced, apparently the charge-sheet is filed against in all four accused persons including the applicant. Three accused persons are already enlarged on bail under three different orders passed by this Court. This Court in Bail Application No.280/2023 observed that the possibility of road accident and consequential death of the deceased Krushna cannot be ruled out. Similarly, while granting bail to accused Laxman @ Raju Namdeo Paul in Bail Application No.428/2023 this Court observed that the case of prosecution

based on sole evidence of paramour of accused Piraji Dhabhadge. However her statement do not disclose that she has witnessed the incident. Further there were tyre marks at the spot, which are indicative of accident. Similarly, applicant/accused Piraji has been granted bail based on the aforesaid observations. Considering the allegations in FIR and case of prosecution in entirety, the role of the applicant cannot be segregated from the role alleged against accused persons who are already enlarged on bail. Hence, applicant deserves similar treatment. The applicant is behind the bar since 24.07.2023. Although charge-sheet is filed almost one year back, the charge is not yet framed. In that view of the matter, case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Gajanan Rangnath Dhabadage, be released on bail in Crime No.120 of 2022 registered with Tadaklas Police Station, District Parbhani for the offences punishable under Sections 302, 201, 120-B, 324, 504, 506 r/w 34 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:
 - a. The applicant shall not tamper with the prosecution evidence in any manner.
 - b. The applicant shall not involve himself in any offence.
 - c. The applicant shall not leave the State of Maharashtra without permission of the Sessions Court.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE