

SATISH
RAMCHANDRA
SANGAR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLICATION NO. 2147 OF 2022

Digitally signed by
SATISH RAMCHANDRA
SANGAR
Date: 2023.01.20
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1. Hritik @ Bhola Chandrakant Khilare
Age : 22 Years
2. Dyaneshwar Chandrakant Khilare
Age : 25 Years
3. Vishal Ashok Khilare
Age : 22 Years
4. Nikhil Ashok Khilare
Age : 20 Years

All are residing at :-

Ambavde, Tal. : Khatav, Dist. : Satara.

... Applicants

Versus

The State of Maharashtra
(Through Officer-in-charge)
Vaduj Police Station, Vaduj,
Tal. : Khatav, Dist. : Satara.

... Respondent

Mr.Ajit J. Kenjale a/w Mr.Sohil Gulabani a/w Mr.Sai Kadam, Advocate for the Applicants.

Mr.H.J.Dedhia, APP for the Respondent – State.

Mr.Pramod Rajendra Dixit, Police Sub-Inspector – Vaduj Police Station - Satara.

CORAM : S. M. MODAK, J.

DATED : 18th JANUARY, 2023

P.C. :-

1. Heard learned Advocate Shri.Ajit Kenjale for the Applicants on the point of confirmation of ad-interim order granted by this Court. Also heard learned APP Shri.H.J.Dedhia for the Respondent-State.

2. This Court has granted ad-interim protection to these Applicants in connection with an offence registered at Vaduj Police Station – Satara on 16th May, 2022 under Sections 306 read with 34 of the Indian Penal Code, 1860 (45 of 1860). It was on the complaint of Seema Mohan Khilare being the mother of the deceased Ajay.

3. The deceased committed suicide by hanging on 12th May, 2022 in the agricultural field of one Deshmukh. The knowledge was received on 13th May, 2022 at about 7.30 a.m. The first informant has alleged that the deceased committed suicide in view of the harassment meted out to him by all the Applicants along with the juvenile accused Tanuja and Karan. There is allegation that the deceased Ajay was having a love affair with Tanuja and it was disliked by the relatives of Tanuja. The first incident took place on 8th May, 2022. The deceased was called by witness Rushikesh Sunil Tupe. The deceased left the house and he was found sitting in isolation at village Ambavade. He sustained certain injuries. On enquiry, he told that he was assaulted by Applicants on account of his love affair with Tanuja.

4. For three days, the deceased had gone to village Ghanvad. Then he returned to his village and on 12th May, 2022, there were continuous calls to the deceased. He left the house at 7.30 p.m., and he called one Suvarna Somnath Khillare who is his paternal aunt. He informed to his aunt that he is leaving this world on account of the harassment by the Applicants. The relatives lodged missing complaint in the intervening night of 12th May and 13th May, 2022. Ultimately, his dead body was found.

5. The contention of the Applicants is that there are no medical certificate corroborating the assault of 8th May, 2022 and the Applicants are of young age and they have co-operated during investigation. Whereas, confirmation is opposed for the reason that there is a statement recorded of Rushikesh and he has disclosed the involvement of Hritik and Dyaneshwar. There is also a grievance that during attendance, the Applicants have not co-operated either by giving their mobiles and giving the password of Instagram account and LinkedIn i.d., by the Applicant No.2 – Dyaneshwar.

6. I think, an ad-interim protection granted to the Applicant Nos.1 and 2 cannot be continued. It is for the reason that the deceased was called by the witness Rushikesh on the say of Hritik. Accordingly, he went to village Ambawade first to the temple and then to the school. At the school, Applicant No.2 – Dyaneshwar was also present and he was beaten there. This happened on 8th May, 2022. So, it discloses the involvement of these two Applicants. Police needs to be given an opportunity of custodial interrogation. The contention that there is a delay in lodging the FIR is not acceptable at this stage, because, earlier an accidental death report was lodged. At the same time, Applicant Nos. 3 and 4 deserve confirmation as no material is pointed out showing their *prima facie* involvement which requires custodial interrogation.

7. In view of that, following order is passed :-

ORDER

- (i) Application is disposed. of.
- (ii) Order dated 10th August, 2022 granting interim

protection to Applicant No.1-Hritik and Applicant No.2-Dyaneshwar is set aside and their Application is rejected.

- (iii) Order dated 10th August, 2022 is confirmed so far as Applicant No.3-Vishal and Applicant No.4-Nikhil are concerned.
- (iv) Applicant No.3-Vishal and Applicant No.4-Nikhil shall continue to give attendance as mentioned in the order for two months more.
- (v) Applicant Nos.3 and 4 are directed not to threaten the Prosecution witnesses.

(S. M. MODAK, J.)