



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION [BA] NO.669 OF 2023

[Ajay s/o Gulabrao Khangar .vs. State of Maharashtra, Through P.S.O., P.S. Talegaon (Dashashar), Amravati]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.V. Navlani, Advocate for Applicant,
Shri S.M. Ghodeswar, APP for Non-Applicant-State.
.....

CORAM : M.W. CHANDWANI, J.

DATE : 01/09/2023.

1. The applicant seeks bail in Crime No.456/2022 registered with Police Station, Talegaon, District-Amravati for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

2. Heard the learned counsel for the applicant as well as the learned Additional Public Prosecutor for the non-applicant-State. I have gone through the charge-sheet.

3. The allegation against the present applicant is that he along with other co-accused have committed murder of one Gajanan Mandale. The role assigned to the present applicant is that he was staying outside to alert the co-accused if anybody tries to enter house. Whereas accused no.1 Nita Mandale, wife of deceased Gajanan, accused no.2 Satish Khangar, brother of accused no.1-Nita accused no.3 Durgesh Pohankar, brother-in-law of accused no.2 - Satish Khangar went inside the house of deceased where they assaulted the deceased and committed his murder.

4. There is no direct evidence in the present case against the applicant. The motive behind the crime is shown as frequent quarrel between accused no.1 and deceased on the count that accused no.1-Nita has illicit relations with one Vinoba Bawane and accused no.1-Nita was being harassed by the deceased on the count of illicit relationship. Therefore, the accused persons have conspired to eliminate the deceased by committing murder. The statement of son of deceased, who states that the quarrel had taken place between deceased and Nita, therefore, deceased had taken Nita to her father's house. The deceased also quarreled with the father of Nita, accused Satish and the present applicant. At that time, all the accused persons were present.

5. It is to be noted that co-accused Durgesh Marotrao Pohankar had already been released on bail in Criminal Application (BA) No.346/2023 (Durgesh Marotrao Pohankar .vs. State of Maharashtra), vide order dated 03.05.2023, whereas the role assigned to the present applicant is that he was standing outside to alert the other accused in case of arrival of third person and he also helped other accused in destroying the evidence.

6. The charge-sheet has been filed and charge is yet to be framed. The trial will take considerable time to commence and conclude. There is nothing on record to suggest that the applicant took part in the assault. Considering the role assigned to the present applicant and the nature of allegations against him coupled with the fact that Durgesh Marotrao Pohankar, other co-accused, has also been released on bail, I think discretion of bail can be exercised in favour of the applicant. Hence, I pass the

following order :

O R D E R

- (i) The application is allowed.
- (ii) Applicant - Ajay s/o Gulabrao Khangar be released on bail, in Crime No.456/2022 registered with Police Station, Talegaon, District Amravati for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, on he furnishing P.R. Bond in the sum of 50,000/- with one or two sureties in the like amount.
- (iii) The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and the Court concerned and shall not change the same till the final disposal of the case.
- (iv) The applicant shall cooperate in the investigation and, if charge-sheet is filed, the applicant shall regularly attend the court and cooperate the learned trial Court to complete the trial for the above offences. The applicant shall not seek adjournments, except under extreme circumstances to the satisfaction of the trial Court.
- (v) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.
- (vi) The applicant shall maintain law and order.
- (vii) In case of breach of any conditions, the learned trial

court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

(viii) The observations made in this order are *prima facie* in nature and are made for deciding the present application only. The trial Court shall not get influenced by the observations made in this order.

The application is disposed of in the above terms.

(M.W. Chandwani, J.)