



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

948 ANTICIPATORY BAIL APPLICATION NO. 364 OF 2024

1. Bhanudas Bhima Gaikwad
2. Mina Bhanudas Gaikwad

..APPLICANTS

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicants : Ms. Anagha Pedgaonkar h/f Mr. Madhav Dipake
APP for Respondent/State: Ms.V.S. Chaudhari
Advocate for assist to P.P. : Mr. A.G. Kale

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 25th July, 2024.

P.C.:

1. The applicants apprehend arrest in connection with FIR No.435 of 2023 registered with Parner Police Station, Tq. Parner, Dist.Ahmednagar, for the offences punishable under sections 302, 307, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC").

2. It is prosecution's case that accused nos.1 and 2 are neighbours and relatives of the first informant. On 12th May, 2023, informant had called mason and one labour for constructing wall. There was dispute between informant's family and accused nos.1 and 2 as accused nos.1 and 2 had told the informant that the space where they are constructing the wall belonging to them. It is alleged that thereafter at around 12:30 p.m., when the construction of the wall was going on,

accused nos.1 and 2 had come to the construction place with the applicants. It is alleged that at that time accused nos.1 and 2 were holding sickle in their hand. It is alleged that accused nos.1 and 2 and applicants abused the informant and his family and thereafter accused nos.1 and 2 assaulted the informant's father and mother with sickle. It is alleged that the applicants left the incident spot on their motorcycle. Due to assault, father of the informant died on the spot.

3. It is the contention of the learned counsel for the applicants that in the F.I.R. there are no allegations against the applicants except they abused the father of the informant. They were not holding any weapon in their hand. Accused nos.1 and 2 have been arrested and they are behind bar. Considering the allegations against the applicants, their custodial interrogation is not required, hence requested to allow the application.

4. It is the contention of the learned APP along with the learned counsel for respondent no.3 that the applicants had come with spot with accused nos.1 and 2. They abused father and mother of the informant. They had common intention to kill the father and mother of the informant. The learned APP further submitted that the father of the informant died on the spot whereas the mother of the informant died while taking treatment i.e. after filing of the charge-sheet. The learned APP further submitted that since the date of offence, the applicants are absconding. Their custodial interrogation is required, hence requested

to reject the application.

5. I have heard all the learned counsel. Perused the F.I.R. and police papers produced on record and charge-sheet.

6. Allegations against the applicants are that they went at the incident spot with accused no.1 and 2. In F.I.R. allegations against the applicants are that they abused the mother and father of the informant, except these allegations nothing is alleged against the applicants. Considering the allegations against the applicants, the custodial interrogation of the applicants is not required and I pass the following order:-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicants in connection with FIR No.435 of 2023 registered with Parner Police Station, Tq. Parner, Dist.Ahmednagar, for the offences punishable under sections 302, 307, 504, 506 read with 34 of the Indian Penal Code, the applicants be released on executing personal bond in the sum of Rs.15,000/- each with one surety of the like amount by each of them, on the following conditions :-

(a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]