



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 ANTICIPATORY BAIL APPLICATION NO. 804 OF 2024

SOMINATH BAJIRAO WABALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....

Mr. Rahul R. Karpe, Advocate for Applicant
Mrs. A. S. Mantri, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 18th DECEMBER, 2024

PER COURT :-

1. Applicant apprehends arrest in connection with Crime No. 240 of 2024, registered with Ahmednagar Taluka Police Station, District Ahmednagar for the offences punishable under Section 307 and subsequently converted into Section 302 of the Indian Penal Code.
2. The first information is registered on the basis of statement of Dadabhau Gorakh Wabale (now deceased). While admitted in hospital he made statement that on 07/03/2024 at around 12.00 pm he was present in his agricultural land. At that time Sarpanch, Gram Sevak and others were also present. They had been there to create a road from his agricultural land. He opposed the said person for creating such road by stating that he has filed a case in the Court and that the road be created after order of the Court. It is alleged that though there was no order

passed by Tahasildar by creation of a permanent road, it was being done so. He, therefore, opposed the same. He further states that suddenly petrol was poured on his person and he sustained burns. He further stated that he thinks that the said petrol was poured on him by Somnath and he lit him.

3. Learned counsel for the applicant submits that admittedly at the spot of incident Police Officers so also Revenue Officers were present. He drew attention of the Court to the report submitted by the Block Development Officer dated 06/03/2024, wherein it is clearly stated that the informant Dadabhau has tried to immolate himself. It is thus submitted that there is no evidence to show that the applicant is responsible for the death of deceased

4. Learned APP opposed the application by referring to the first information report as well as statement of Gorakh Bhanudas Wabale. It is submitted that on the basis of his statement the involvement of the applicant can be seen in the serious crime of murder.

5. No doubt, the seriousness of the crime is one of the consideration for grant or refusal of anticipatory bail. Here in this case admittedly apart from the interested parties, independent persons like Police Officers and Revenue Officers were present at the spot. None of

them make any statement showing involvement of the applicant in this crime. On the contrary the report submitted by the Block Development Officer in no uncertain terms states that it is the case of self immolation by informant Dadabhau. Apart from this, even in the statement made by the deceased while he was under treatment, he does not specifically states about applicant setting him on fire. He only presumes that it must have been done by applicant. *Prima faice* such statement is not sufficient to connect applicant in this crime. The statement sought to be relied upon by the learned APP is the statement of father of the deceased. Needless to say that he is most interested person in making statement against the applicant. Hence, application is allowed in terms of interim order dated 15/03/2024.

(R. M. JOSHI, J.)

ssp