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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 956 OF 2024

**KISHOR @ ISHWAR SHIVAJI VALVI AND OTHERS.
VERSUS
THE STATE OF MAHARASHTRA.**

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Mr. A.S. Savale, Advocate for applicants.
Mr. P.D. Patil, APP for respondent No.1.

CORAM : S.G. CHAPALGAONKAR, J.

DATE :- 22nd JULY, 2024.

ORDER :-

1. The applicants seeks pre-arrest bail in connection with Crime No. 140 of 2023 registered with Dhadgaon Police Station, Dist. Nandurbar for the offences punishable under Sections 302, 143, 147, 148, 149 of IPC and under Section 37(1) and 37(3) and 135 of the Maharashtra Police Act.

2. One Asha Tadvli lodged a report alleging that her maternal uncle Bharat Khema Valvi lost his life. However, his cousin Anil, falsely implicated her father alleging him to be culprit of murder of her maternal uncle. The father of informant was released on bail in said crime. Since then, accused persons were threatening to kill him.

3. She further alleges that on 12.6.2023, accused persons, namely, Lalsing, Shivaji, Dama, Raga, Sima, Malsingh and Anil arrived at

the field of Narsing Irma Patle. They were holding weapons in their hand. Accused Lalsing inflicted blow of iron rod on the head of informant's father. Shivaji hit him with bamboo stick. While the father of the informant was lying on ground, the other accused persons gave him fist and kick blows. Resultantly, informant's father suffered fatal injuries. Accordingly, offence was registered against them.

4. Pertinently, applicant's name is not mentioned in FIR. He has been arrested on the basis of supplementary statement of Sandip Narsing Patle, recorded on 3.7.2023, wherein, he alleges that alongwith accused, named in FIR, other persons were also present and participated in assault against the deceased.

5. Mr. Savale, learned advocate for the applicant vehemently submits that this court has already granted regular bail to accused Raga, Sima and Anil in Bail Application No. 2020 of 2023 and accused Dama has been granted bail on 15.3.2024 in Bail Application No. 178 of 2024. He would submit that no specific role is attributed against the applicant Applicant's name has been falsely implicated by way of supplementary statement. Consequently, he urges to release the applicants on pre-arrest bail.

6. Learned APP, however, opposes the prayer contending that other accused persons have been released on regular bail. Charge sheet is filed against applicants under Section 299 of Cr.P.C. as they were absconding since the date of registration of offence. The custodial interrogation of the applicants would be necessary for fair and proper investigation.

7. Having considered the submissions advanced, it is apparent that the FIR has filed by Asha Khema Tadvi, wherein, she has specifically narrated the role of named accused persons. The FIR nowhere depicts that apart from persons named, any other person was present on the spot and participated in crime. The FIR depicts minute details of the incident. It appears that section 161 statement Sandip has been recorded on 19.6.2023, wherein, he named in all 7 accused persons in tune with the FIR. His statement nowhere depicts that apart from named accused in FIR any other person was present on the spot. It appears that his supplementary statement has been recorded after 19 days wherein first time names of 8 accused persons, including applicants are introduced.

8. Prima facie, there is reason to believe that this is an attempt to implicate more accused persons. There is no explanation for delayed version, introducing name of applicants/accused. Even otherwise, no specific role has been attributed against the applicants. In that view of the matter, a case is made out for grant of pre-arrest bail. Hence, the following order :-

: O R D E R :

[i] The application is allowed.

[ii] In the event of arrest in connection with crime No.140 of 2023 registered with Dhadgaon Police Station, Dist. Nandurbar for the offences punishable under Sections 302, 143, 147, 148, 149 of IPC and under Section 37(1) and 37(3) and 135 of the Maharashtra Police Act, the applicants – Kishor @ Ishwar Shivaji Valvi (ii) Kavita Dama valvi (iii) Anita Lalsing Valvi and Rahali Bharat Valvi, be released on anticipatory bail on their furnishing PB. and S.B. of Rs. 50,000/- each (rupees fifty

thousand) with one solvent surety of the like amount,

[i] The applicants shall not tamper with the prosecution evidence,

[ii] The applicants shall attend each and every date before the trial court.

[iv] The application is accordingly disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

GRT/-