



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

983 ANTICIPATORY BAIL APPLICATION NO. 1030 OF 2024

Akshay Karbhari Nawale

VERSUS

The State of Maharashtra and another

...

Advocate for Applicant : Ms. Suvarna M. Zaware

APP for Respondents: Mr. P.K. Lakhotiya

.....

CORAM : SHIVKUMAR DIGE, J.

DATED : 20th SEPTEMBER, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No. 342 of 2024 registered with Rahuri Police Station, district Ahmednagar, for the offences punishable under Section 302 of the Indian Penal Code and under Sections 3/25 of the Arms Act.

2. It is the prosecution's case that the complainant Avinash Pagire lodged a compliant stating that he resides with his parents and other family members. On 31.1.2022, around 8.30 a.m. for unknown reasons the applicant has committed murder of his brother viz. Pradeep Pagire by shooting him through a country made revolver. Accordingly, the crime is registered against the applicant.

3. It is contention of the learned counsel for the applicant that

the applicant has been falsely implicated in this case. There is delay of two years in lodging the complaint. Initially, the said incident was registered as an accidental death. There was no inimical terms between the applicant and the deceased. The incident was happened suddenly. There is no involvement of the applicant in the said crime. Only to harass the applicant, the crime is registered against him. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is contention of the learned APP that the incident is happened at the shop of the deceased where the applicant was present. At the time of incident, only the applicant and deceased were present in the said shop. Deceased died by the fire of gun, which shows his death is homicidal. As the applicant was present with the deceased at the time of his death, which shows his involvement in the crime. Learned A.P.P. further submitted that the country made pistol by which deceased is died is recovered at the instance of the applicant. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and

the police papers produced on record. It appears from the police papers that the incident was happened at the shop of the brother of the informant i.e. deceased. Initially, the case of accidental death was registered by the police. The statements of witnesses have been recorded. In the F.I.R. there are no allegations made against the applicant that there was inimical terms between the applicant and the deceased. There is two years delay in lodging the F.I.R. It is the applicant's case that it was accidental death whereas it is prosecution's case that it was homicidal death. To consider this aspect, the evidence is needed. Considering these facts, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicant vide order dated 28.06.2024 stands confirmed on the same terms and conditions.

6. It is made clear that the observations made in this order are prima facie in nature only for the purpose of deciding this bail application and the trial court shall not get influenced by the same while concluding the trial.

(SHIVKUMAR DIGE, J.)