



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD  
37 ANTICIPATORY BAIL APPLICATION NO. 1235 OF 2024

Gajanan Gopinath Avatirak & another ....Applicants

VERSUS

The State of Maharashtra & another .....Respondents

Mr. E. S. Potdar, Advocate for Applicants.  
Mr. P. K. Lakhotiya, APP for the State.  
Mr. K. S. Thorat, Advocate for the informant.

**CORAM : R. M. JOSHI, J.**

DATE : 14<sup>th</sup> OCTOBER, 2024.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 0020/2024 registered with Barad Police Station, Dist. Nanded, for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

2. First Information Report is lodged on the basis of order passed by the Judicial Magistrate First Class under Section 156(3) of the Code of Criminal Procedure. It is alleged that the incident occurred on 13.05.2022 in which son of the informant died by drowning. Informant, after about a year, was told by Nagorao that he has seen present Applicants pushing his son in the well and because of which he died.

Q 3. Learned counsel for the Applicants submits that application under Section 156(3) of the Code of Criminal Procedure came to be filed about 1 ½ years after occurrence of the incident. It is his submission that there is absolutely no evidence to connect the Applicants with the crime nor it can be said that it is a case of homicidal death.

4. Learned APP and learned counsel for the informant opposed the application.

5. Perusal of police papers indicate that in statement of Nagorao under Section 161 of Code of Criminal Procedure, he claims that he was not present at the spot and he is not aware as to how deceased died. Having regard to the said statement and also in view of the fact that investigation papers do not disclose prima facie involvement of the Applicants in this crime, application is allowed in terms of the interim order.

( R. M. JOSHI)  
Judge