



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1407 OF 2024

Amol Subhash Ghorpade

VERSUS

The State Of Maharashtra And Another

WITH

ANTICIPATORY BAIL APPLICATION NO. 1408 OF 2024

1. Rohan Sachin Jagtap

2. Prasad Dilip Tribhuvan

VERSUS

The State Of Maharashtra And Another

- Mr. A. N. Barhate Patil, Advocate for the Applicants
- Ms. M. L. Sangit, APP for the Respondent/State

CORAM : R.M. JOSHI, J

DATE : OCTOBER 21, 2024

COMMON ORDER :

1. Applicants apprehend arrest in connection with with C.R. No. 309/2024 registered with Rahata Police Station, Dist. Ahmednagar for the offences punishable under Sections 302, 504, 506 read with Section 34 of the Indian Penal Code.

2. FIR is lodged on 04.07.2024 wherein the Informant Ganpat reported to the police on 12.02.2024 accused Prakash came to his house in his innova

vehicle. Along with him he went to the spot. At the said place he found his father being tied. He claims that his father told him that accused Prakash and other three persons would kill him. He further states that his father further informed him Prakash on the ground of payment of money abused him and brought him to the said place in his vehicle. He also claims that he was abused as well as assaulted. Allegation against Prakash is that he used stick to assault him. He thereafter took his father to the house. At that time, the owner of the said place Bhaskar and Walid Pathan were present. The accused threatened them not to report the incident to the police and told him informed to the police if asked his father has sustained injuries in the accident. On 13.02.2024 at about 03.30 am his father was declared dead.

3. Learned Counsel for the Applicants submits that there is delay of about 5 months in lodging of the report. It is his contention that initially accidental death report was submitted to the police by informant himself. It is his submission that investigation into the crime is over and charge-sheet is filed. According

to him, there is absolutely no evidence on record to connect present Applicants with the crime in question. He, therefore, seeks pre-arrest bail.

4. Learned APP opposed the applications by relying upon the evidence collected during the investigation. She refers to the FIR and to the statements of Bhaskar and Walid in order to contend that the said incident did occurred. As far as present Applicants is concerned, it is sought to be argued that on the basis of CDR it can be seen that the Applicants were in contact with the co-accused before as well as after occurrence of the incident. She also claims that their presence at the spot can be seen from the said report. Citing seriousness of the crime, application is opposed.

5. Admittedly, FIR or in statement of any of the witnesses present Applicants are not named as assailants. Though it is sought to be contended by the Informant while registering FIR he was threatened by the accused persons, he reported under pressure to the medical officer about his father sustaining injuries

due to the accident. Even if it is so, the statements recorded of Prakash Pund shows that this is the witness who along with Informant went to the spot. In his statement nothing came on record to indicate that his father has disclosed anything to the informant with regard to the assault. On the contrary, he states that he received a phone call from the Informant about his father sustaining injuries in an accident. This Court thus finds substance in the contention of the learned Counsel for the Applicants that presence of the Applicants in village cannot be considered as incriminating circumstance so also the phone calls between them and co-accused. *Prima facie* since there is no material on record to connect the Applicants with this crime and in spite of fact that offence is under Section 302 IPC, Applicants liberty deserves to be protected. Statement is made that Applicants have no criminal history behind them.

6. In view of above, applications are allowed.
Hence, the order:

O R D E R

- (i) In the event of arrest of the Applicants in connection with C.R. No. 309/2024 registered

with Rahata Police Station, Dist. Ahmednagar for the offences punishable under Sections 302, 504, 506 read with Section 34 of the Indian Penal Code, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one surety in the like amount.

- (ii) They shall attend the concerned police station as and when required.
- (iii) They shall not contact the witnesses directly or indirectly.
- (iv) They shall not interfere with the evidence in any manner whatsoever.

(R.M. JOSHI, J.)