



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

958 ANTICIPATORY BAIL APPLICATION NO. 1631 OF 2024 WITH
CRIMINAL APPLICATION NO. 4229 OF 2024
IN ABA/1631/2024

1. Aseem Kamal Teli
 2. Babu Ramzan Teli
 3. Rahim Ramzan Teli
-Applicants

VERSUS

The State of Maharashtra & another

.....Respondents

.....

Mr. G. S. Rane, Advocate for Applicants.

Mr. P. P. Dawalkar, APP for the State.

Mr. Rohit Patwardhan, Advocate holding for Mr. S. S. Jadhav,
Advocate for the informant.

CORAM : R. M. JOSHI, J.

DATE : 18th OCTOBER, 2024.

PER COURT :

1. At the outset, Criminal Application No. 4229/2024 seeking leave to assist learned APP is allowed.

2. Applicants apprehend arrest in connection with Crime No. 0389/2024 registered with Amalner Police Station, District Jalgaon for the offences punishable under Sections 109, 191(2), 191(3), 192 of the Bharatiya Nyaya Sanhita.

3. First Information Report indicates that as per the informant, the incident had occurred on 12.08.2024 between 10.00 to 10.30 am. The informant was sitting outside his house at that time. It is claimed that the present Applicants and others came there. It is alleged that they started abusing him and pressurising him to transfer the house in their name. It is further stated that since he refused to concede to their demand, they got annoyed and started beating him. There is allegation that petrol was poured on his person and Kanti Ramzan Teli set him on fire. He was admitted in the hospital from where report came to be lodged. Later on, he died on 16.08.2024.

4. Learned counsel for the Applicants submits that there are disputes between the parties as it appears from the First Information Report itself and hence possibility of false/over implication is not ruled out. He drew attention of the Court to the fact that the presence of Applicants at the relevant time can be seen at their respective shops and not at the place of the incident. To support this submission, reliance is placed on CCTV footage.

5. Learned APP and learned counsel for the informant opposed the application on the ground that offence is serious in nature and involvement of the Applicants in the offence is seen on the basis of statements on record. It is their submission that there are offences registered against the present Applicants of similar nature and hence, it is not a fit case for grant of anticipatory bail.

6. On the last date of hearing when the submissions were made by learned counsel for the Applicants that they were present at their respective shops at the relevant time and not at the place of incident, the Investigating Officer was asked to confirm the correctness of contention of Applicants and submit report in that regard. Today, the Investigating Officer has filed report indicating that Applicant Nos. 2 Babu Ramzan Teli and Applicant No. 3 Rahim Ramzan Teli were found in their respective shops at the relevant time. Apart from this, perusal of police papers indicate that though the incident in question has occurred at public place, there is no statement of any independent witness showing participation of Applicant Nos. 2 and 3 therein. Though there are statements of close relatives of the deceased, this Court finds substance in the contention of learned counsel for the Applicants that owing to the

previous disputes, possibility of false/over implication cannot be ruled out.

7. Having regard to the report submitted by the Investigating Officer, Applicant Nos. 2 and 3 were able to show their presence at some other place than the place of incident and as there are no specific allegations against them in the First Information Report with regard to setting deceased ablaze, their liberty is protected.

8. As far as Applicant No. 1 is concerned, there is no evidence in order to hold at this stage that he was not present at the spot, hence he is not entitled to be protected from arrest. Hence, the following order :-

ORDER

(i) Application qua Applicant No. 1 Aseem Kamal Teli is rejected.

(ii) In the event of arrest of applicant No. 2 Babu Ramzan Teli and Applicant No. 3 Rahim Ramzan Teli in connection with Crime No. 0389/2024 registered with Amalner Police Station, District Jalgaon for the

offences punishable under Sections 109, 191(2), 191(3), 192 of the Bharatiya Nyaya Sanhita., they be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) each with one surety each in the like amount.

(iii) They shall attend the concerned police station once in a week.

(iv) They shall not contact the witnesses directly or indirectly.

(v) They shall not interfere with the evidence in any manner whatsoever.

(vi) They are further directed to cooperate the investigating agency for further investigation.

(vi) Learned APP to communicate this order to the concerned Investigating Officer.

(R. M. JOSHI)
Judge