



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

ANTICIPATORY BAIL APPLICATION NO. 1828 OF 2023

GAJANAN PANA RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Mahendra P. Gandhle, Advocate for Applicant

Mr. A.R. Kale, APP for Respondents – State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 22nd JANUARY, 2024

PER COURT :

1. Applicant apprehends arrest in Crime No.503/2023, registered with Kaij Police Station, Beed, for offence punishable under Sections 302, 201, 212, 120-B, 370, 506 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Kushawarti Rangnath Kamble, alleging that her daughter Sheetal was working at Renuka Kalakendra. Gajanan Karale established relations with Sheetal. Gajanan Karale was suspecting that deceased Sheetal had relation with others and on that count he killed Sheetal. Applicant who is working as Manager of lodge where dead body of Sheetal was found, along with Ramnath Dhakane, owner of Kalakendra, Shamim Bhabhi and Vasudev Saruk prevented informant from lodging FIR saying that, if she tries to lodge FIR police will put her in jail, therefore, she should keep quiet. Thereafter Shamim Bhabhi and others asked informant

where the funeral of Sheetal would be performed. Informant expressed desire to perform funeral at village Wangi, Dist. Parbhani. Thereafter Ramnath Dhakane, applicant and Vasudev put dead body in the vehicle owned by Ganesh Dhakane and informant took dead body along with Shamim Bhabhi to her native place. Ramnath Dhakane, Vasudev, Shamim Bhabhi and informant cremated dead body of Sheetal at their village. Informant, therefore, claimed that applicant along with other accused prevented her from lodging FIR about murder of Sheetal and helped to dispose off dead body of Sheetal.

3. Heard learned advocate for applicant and learned Additional Public Prosecutor for State. Perused the investigation papers.

4. FIR is lodged on 24/08/2023. There are no direct allegations against applicant that he has participated in commission of murder. Allegations against applicant are that he prevented informant from lodging FIR at the relevant time and helped in disposal of dead body. Therefore, at the most applicant can be said to have committed offence under Section 201 of I.P.C. It is mentioned in investigating officer's report that accused Ramnath Dhakane and Uddhav Rakhmaji Ghuge were arrested and are released on regular bail. Accused Gajanan Karale is still in custody.

5. Accused Shamim Bhabhi against whom same allegations like present applicant are levelled is granted anticipatory bail by this Court on 23rd October, 2023. Therefore, On the ground of parity applicant deserves relief.

6. Considering the allegations made against applicant and as the charge-sheet is filed on 20/11/2023, nothing is to be recovered from applicant. Applicant's custodial detention is, therefore, not necessary in the peculiar facts of present case.

7. In the result, application is allowed by confirming interim protection granted to applicant by order dated 03rd November, 2023. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)