

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 80 OF 2024

Sandesh Laxman Gaikwad	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Hrishikesh S. Shinde for Applicant.
Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 12 JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 55 of 2023 registered at M.I.D.C. Police Station, Solapur, under sections 302, 120-B and 201 r/w. 34 of the Indian Penal Code, and under sections 4 and 25 of the Arms Act.

2. At the outset, learned counsel for the applicant, as well as, the learned APP state that the investigation is over and the charge-sheet is filed. Learned APP makes a statement that the investigating agency does not want to arrest the applicant. They do not want his custody.

3. The F.I.R. is lodged by one Sachin Patangrao in respect of murder of his brother Nitin. The prosecution case is that, Nitin had matrimonial dispute with his wife who was residing separately. Her father used to give threats to Nitin. On 04.02.2023, Nitin was assaulted by Mahesh, Harshwardhan, Shrikant and 4 to 5 other associates with iron rods, sticks, kicks and fist blows. Nitin called the informant to the spot and told him about the incident. Nitin was taken to Civil hospital, but he was declared dead. On this basis the F.I.R. is lodged.

4. The prosecution case is not against the applicant for committing murder. It appears from the investigation papers and the charge-sheet that the allegations against the applicant are that, after the deceased was assaulted by those assailants, one of them i.e. Mahesh called for a fresh shirt from Sohail and the present applicant. He changed his shirt and told Sohail and the applicant about the incident. After that, said accused Mahesh, Sohail and the applicant burnt that blood stained shirt near a pond. The applicant's name appears in the memorandum statement given by Mahesh recorded U/s.27 of the Evidence Act. Apart from that,

there is no material against the present applicant. Thus, even as per the prosecution case, the applicant has not played any part in the actual commission of murder. The only allegation against him is that, he had helped one of the assailants in destroying the evidence. This attracts Section 201 of the I.P.C. Beyond that, there is no allegation of commission of any serious offence. The investigating agency does not want his custody. Therefore, the applicant can be protected by an order of anticipatory bail.

5. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No. 55 of 2023 registered at M.I.D.C. Police Station, Solapur, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)