

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

ANTICIPATORY BAIL APPLICATION NO.138 OF 2024

Shridhar Somlingappa Telgi Applicant

versus

The State of Maharashtra Respondent

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- Mr. Vaibhav R. Gaikwad, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 01st FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.46/2019, dated 22/09/2019, registered with Koyana Nagar Police Station, Satara, under section 302 of the Indian Penal Code.
2. Heard Mr. Vaibhav R. Gaikwad, learned counsel for the Applicant and Smt. M. H. Mhatre, learned APP for the State.
3. The FIR is lodged by one Sanjay Chavan. He was a Police Constable. He was investigating into the Accidental Death

Report No.9/2019 registered on 21/09/2019. The villagers had discovered a dead body within the jurisdiction of Koyana Nagar Police Station near the road between Koyana Nagar to Helwak. The first informant was told by the Police Patil Vijay Kamble that the said person was Shrikant Chavan. The informant and other police officers carried out further investigation. There were injuries on the dead body. The relatives of the deceased were informed. The post-mortem was conducted on 22/09/2019. The cause of death was mentioned as 'due to asphyxia due to throttling'. It was clear that it was a case of murder and therefore, the FIR was lodged.

4. Learned counsel for the Applicant submitted that there is no material against the present Applicant. The other accused are arrested. Against them the charge-sheet is filed and therefore the Applicant's custodial interrogation is not necessary. The Applicant is willing to cooperate with the investigation.

5. Learned APP opposed these submissions. She submitted that the Applicant is absconding since the date of

registration of the FIR i.e. from 22/09/2019. Thus, he is absconding for more than 4 years and 6 months. There is a definite material against him. There is a theory of last seen together. The accused and the deceased were seen together. That fact is captured in the CCTV.

6. I have considered these submissions. The prosecution case is that the deceased had purchased poclain machines after selling his land. He had given these machines to the main accused Santosh Lamani. The deceased was demanding his money, but Santosh did not want to return his money. Instead he wanted to eliminate Shrikant so that he could keep the machines and repay his loan. The prosecution case is that the said Santosh, Manjunath Rathod and the present Applicant and other accused took him in a Scorpio car bearing No.GA-03-H-6666. They went to Koyana Nagar. All of them held the deceased and throttled him causing his death in the car itself. Thereafter his dead body was thrown away on the road. Santosh was residing at Bagewadi. The deceased was taken from Bagewadi to Koyana.

7. As submitted by learned APP that there is some definite material against the present Applicant. The statement of Vaslingappa Gauda is important. He has stated that he was residing at Bagewadi, District Vijapur, Karnataka. He was knowing the present Applicant, accused Babu, Santosh and Manjunath. All of them sat together in the car. Santosh had given him Rs.2,000/-. Thus, it shows that all the accused including the Applicant were together from 19/09/2019. There is statement of Ilahi Bagban. He has stated that one of the accused Manjunath had purchased four hand gloves on 20/09/2019 at about 04.00 p.m. There is statement of one Pramod Kumbhar. He was having hotel and beer bar. There were CCTV cameras fixed in his hotel. The police seized that footage for 20/09/2019. He was shown that footage. He identified the deceased Shrikant and his friends. CCTV footage of the accused including the present Applicant is available with the police. Thus, at this stage, the police have definite material against the present Applicant. The Applicant cannot take advantage of the

fact that the other accused were arrested and the charge-sheet is filed against them. His custodial interrogation in this serious case is absolutely necessary. No case for protection u/s 438 of Cr.P.C. is made out. The application is rejected.

(SARANG V. KOTWAL, J.)