

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

ANTICIPATORY BAIL APPLICATION NO. 1127 OF 2024

Vikas Hindu Lokhande

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Jaydeep D. Mane for Applicant.

Mr. Nitin B. Patil, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 25 APRIL 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.28 of 2024 registered at Pandharpur Police Station, Solapur Rural, on 01.02.2024, under Sections 302 and 201 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Jaydeep Mane, learned counsel for the applicant and Mr. Nitin Patil, learned APP for the State.

3. The F.I.R. is lodged by one Somnath Waghmare. He has stated that his younger brother Shahaji was having strained relationship with his wife because he was suspecting that she and

her brother i.e. the present applicant were having illicit relations. On 30.01.2024 in the early hours, Shahaji was admitted to Civil Hospital, Solapur. The applicant himself had called the informant and had told him about that. The applicant further informed him that Shahaji had stabbed himself under influence of liquor and, therefore, he was admitted to the hospital. Subsequently, Shahaji succumbed to his injuries on 31.01.2024. On this basis, the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that, there is absolutely no material against the present applicant. It is not even the prosecution case, at this stage, that the applicant has stabbed the deceased.

5. Learned APP submitted that, while admitting the deceased in the hospital, the present applicant had given a false information that the deceased had suffered injuries because of fall from his motorcycle. This false information clearly indicates that he was aware of the actual incident.

6. I have considered these submissions. Since it was a

stabbed wound, obviously, it could not have been caused by fall from the motorcycle. But the prosecution case is that the wife of the deceased had stabbed him. She is already arrested. There is a possibility that the applicant is trying to save his sister. In that case, even if a false information is given which may fall U/s.201 of the I.P.C., but it will not indicate his involvement in the main offence of murder which is punishable U/s.302 of the I.P.C. At this stage, the investigating agency does not have sufficient material against the applicant warranting his custody. However, the offence is serious. Therefore, the investigating agency needs to be given a fair opportunity to investigate into the offence. At this stage, I am granting ad-interim relief to the applicant with direction to attend the concerned police station and to co-operate with the investigation.

7. It is made clear that, if the investigating agency comes across definite material against the present applicant showing his involvement in the main offence of murder, they are at liberty to move the vacation bench.

8. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No.28 of 2024 registered at Pandharpur Police Station, Solapur Rural, till the next date, 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) This order shall operate till 12/06/2024.
- iii) The Applicant shall attend the concerned Police Station from 06/05/2024 to 08/05/2024 between 1.00p.m. to 5.00p.m. and thereafter as and when called and shall cooperate with the investigation.
- iv) Stand over to 12/06/2024.

(SARANG V. KOTWAL, J.)