

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2284 OF 2024**

Gautam Ranjit Singh Gill	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Bhomesh Bellam a/w. Mr. Tejas Kothalikar and Ms. Anusha Pradhan-Jaibhave for applicant.

Ms. Rutuja Anil Ambekar, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 03rd SEPTEMBER, 2024**

P.C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0118 of 2023 dated 28.06.2023 registered at Killa Police Station, District Nashik Rural for offences under Sections 302, 201 and 120-B of the Indian Penal Code, 1860 (IPC). The allegation against the applicant is that he conspired with co-accused persons to cause the death of the victim, who was a truck driver.

3. The investigating officer, on the basis of the statement of the co-accused Pravinkumar Dhaka, proceeded on the theory that the applicant had a motive to cause the death of the victim, for the reason that about one year ago, he had quarelled with the deceased in the backdrop of his sister allegedly having an affair with the deceased. It was alleged that the applicant engaged the other co-accused persons to engineer the assault against the

victim, which resulted in his death. The entire theory of the investigating authority was based on the statement of Pravinkumar Dhaka, who was a helper in the truck driven by the victim.

4. The learned counsel for the applicant submits that although the FIR was registered as far back as on 28.06.2023 and serious offence under Section 302 of the IPC is registered, there is nothing to link the applicant with the incident in question, other than the self-serving statement made by the co-accused Pravinkumar Dhaka. Attention of this Court is invited to the relevant portion of the chargesheet, wherein the police itself has reached a conclusion that co-accused Pravinkumar Dhaka misled the investigating officer by taking names of the other co-accused persons as assailants, because investigation in the local places at Rajasthan from where all the parties belong, revealed that no such co-accused persons could be identified and their very existence was found to be doubtful. On this basis, the learned counsel for the applicant submitted that there is nothing to connect the applicant with the incident in question. It is submitted that this Court may consider granting protection, as the applicant undertakes to co-operate with the investigation.

5. On the other hand, the learned APP submitted that the present case concerns serious offence under Section 302 of the IPC. The applicant has remained absconding for more than an year and hence, no indulgence may be shown to the applicant.

6. This Court is inclined to grant interim relief in favour of the applicant, while keeping the present application pending, for the following reasons:

- (i) The informant in the present case is a police sub-inspector, who caused the FIR to be registered upon receiving information about the victim being found dead. On the basis of a toll receipt found in the pocket of the victim, the informant was led to the truck driven by the victim and eventually, to the co-accused Pravinkumar Dhaka, who was the helper with the victim in the said truck.
- (ii) Thereafter, the entire direction of investigation was based on the version given by the co-accused Pravinkumar Dhaka to the police. As per the said co-accused, the victim was assaulted by the other named accused persons allegedly at the behest of the applicant, since there was a quarrel between the applicant and the victim about an year earlier, on the ground of the victim having an affair with the sister of applicant. Other than the aforesaid statement of the co-accused Pravinkumar Dhaka, at this stage, there does not appear to be anything to link the applicant with the incident in question.
- (iii) The chargesheet itself shows that in the special remarks, the police has reached the conclusion that co-accused Pravinkumar Dhaka misled the investigating officer into believing that the other named co-accused persons had actually carried out the assault at the behest of the applicant. *Prima facie*, this creates serious doubt about the involvement of the applicant in the present case.
- (iv) The recovery of the alleged weapon of assault was at the behest of the co-accused Pravinkumar Dhaka.

7. For the aforesaid reasons, there shall be interim order in favour of the applicant in the following terms:

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No.0118 of 2023 dated 28.06.2023 registered at Killa Police Station, District Nashik Rural, he shall be released on bail on furnishing

PR Bond of ₹ 50,000/- and one or two sureties in the like amount to the satisfaction of the trial court.

- (b) The applicant shall appear before the investigating officer on 12.09.2024 and 13.09.2024 between 10:00 a.m. and 12:00 noon and thereafter as and when required by the investigating officer;
- (c) the applicant shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. He shall co-operate with the investigation.

8. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

9. List the application for further consideration on 08.10.2024 High on Board.

(MANISH PITALE, J)

Priva Kamhli