

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

ANTICIPATORY BAIL APPLICATION NO. 2284 OF 2024

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

**WITH
INTERIM APPLICATION NO. 4905 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 2284 OF 2024**

Mahindersingh Ramdhan Dhayal ... Applicant
Versus
The State of Maharashtra & Anr. ... Respondents

Mr. Bhomesh Bellam a/w Tejas Kothalikar and Anvay Pawar i/by
Anusha Pradhan-Jaibhave for the Applicant.
Ms. Rutuja A. Ambekar, APP for Respondent-State.
Mr. Jayendra D. Khairnar for the Applicant in IA/4905/2024.

**CORAM: MANISH PITALE, J.
DATE : 28th NOVEMBER 2024**

P.C. :

. Heard learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the intervenor (father of the deceased-victim).

2. On 3rd September 2024, this Court granted interim relief in favour of the applicant for the following reasons :

“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.”*

3. It is matter of record that in terms of the directions issued by this Court, the applicant did appear before the Investigating Officer on 12th and 13th September 2024 and therefore, it could be said that he has cooperated with the investigation.

4. In the present case, although the applicant is arraigned as an accused in respect of serious offence under Section 302 of the IPC,

for the above quoted reasons, this Court had granted interim relief in favour of the applicant.

5. When the application was called out today for hearing, this Court put further queries to the learned APP as to the material on record in the charge-sheet linking the applicant with the incident in question. In that context, reference was made to statements of certain witnesses recorded during the course of investigation. This includes a statement of the sister of the applicant. The statements of some of the witnesses, who belong to the village in Rajasthan from where the applicant hails, show that the applicant had a doubt that his sister was having an affair with the deceased and that could have been the reason for the applicant to be involved in the murder of the deceased. The sister of the applicant stated that she had heard about such an allegation against her brother and she also stated that she knew the deceased, as he was the resident of the same village.

6. It is further brought to the notice of this Court that the theory propounded by accused No.1-Pravinkumar that three co-accused i.e. Sandeep, Ashok and Vicky were involved in the assault on the deceased, was found to be false and the Investigating Authority was of the opinion that accused No.1-Pravinkumar had misled the Investigating Officer.

7. In such a situation, this Court is of the opinion that the statements of the said witnesses who belong to the village from

where the applicant hails, do not make out a *prima facie* case against the applicant about his involvement in the murder of the deceased. There has to be some contemporary material connecting the accused No.1-Pravinkumar with the applicant, during the relevant time when the said accused No.1 was travelling with the deceased. It is to be noted that according to the Investigating Authority, the deceased was driver of a truck, and the accused No.1 was accompanying him as a cleaner. Although, the order of the Sessions Court refers to some Call Detail Records (CDRs), it is an admitted position that the charge-sheet does not contain any CDRs. There is no reference to any contact made by the applicant with the accused No.1 at the relevant point in time, when the incident occurred or even prior thereto. In such a situation, this Court is of the opinion that merely because some villagers were of the opinion that the applicant suspected his sister having an affair with the deceased, cannot be a ground to deny relief to the applicant in the present application.

8. In fact, the above quoted reasons recorded in the interim order dated 3rd September 2024, hold good for allowing the application itself.

9. In view of the above, the interim order dated 3rd September 2024 is made absolute and the application is allowed.

10. The applicant shall attend each and every date before the concerned Court, during the trial proceedings, unless exempted by

the said Court, for reasons to be recorded in writing.

11. The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses or any other persons concerned with the case. He shall give details of his contact number and his address in the State of Rajasthan to the Investigating Officer as well as the trial Court, within two weeks from today.

12. The application is disposed of.

13. In view of the disposal of the anticipatory bail application, the interim application also stands disposed of.

MANISH PITALE, J.