



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.207 OF 2024
(Hitesh s/o Ramjibhai Kariya Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mrs. I.D. Thakare, Advocate for the applicant.
Ms S. Haider, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 25, 2024.

Apprehending the arrest at the hands of police in connection with Crime No.870/2023 registered with Police Station Darwha, District Yavatmal for the offences punishable under Sections 304, 201 read with Section 34 of the Indian Penal Code and Section 3(3) of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is that the present applicant is a permanent resident of Karanja Lad having his house at village Karanja Lad. He dreamed regarding some gold is available at his house, and therefore, he engaged the deceased and another person to dig in the house. While digging the wall collapsed on the person of the deceased and deceased namely Devrao Badukale died in the said incident. On the

basis of said report, police have registered the crime against the present applicant and other co-accused.

3. It is submitted by the learned Counsel for the applicant that even accepting the case as it is, no negligence can be attributed to the present applicant, only the fact attributed to him is that he has engaged the deceased for digging in his house and while digging the wall collapsed and the deceased died. As far as the custodial interrogation of the present applicant is concerned which is not required. The other co-accused are already released on bail, charge-sheet is also filed against them. Considering the fact that nothing is to be recovered from the present applicant, his custodial interrogation is not required. He be protected by granting anticipatory bail.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that the applicant was involved in illegal activities like digging and searching the gold in his house. In fact, he has to inform this fact to the police but instead of informing the police he engaged the deceased and one other labour for digging in his house and in the said incident due to the negligence of the present applicant, deceased lost his life, therefore, his custodial interrogation is required. He further submitted that since the date of the lodging of the FIR, the present applicant is absconding, and therefore, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers. Admittedly, the investigation is already completed and charge-sheet is filed against the other co-accused. As far as the role of the present applicant is concerned, it is only to the extent that he engaged the deceased to dig in his house in search of the gold. Considering that nothing is to be recovered from the present applicant, moreover his custodial interrogation is not required as investigation is practically completed and nothing new is to be investigated by taking the present applicant into the custody. Considering the same, the applicant has made out the case for grant of anticipatory bail. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicant Hitesh s/o Ramjibhai Kariya in connection with Crime No.870/2023 registered with Police Station Darwha, District Yavatmal for the offences punishable under Sections 304, 201 read with Section 34 of the Indian Penal Code and Section 3(3) of the Maharashtra Prevention and Eradication of Human Sacrifice, other Inhuman and Aghori Practices and Black Magic Act, 2013, be released on anticipatory bail on executing a P.R.Bond in

the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 a.m. and 1.00 p.m. and shall cooperate with the investigating agency.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*