



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 655/2023

Sonaji Lofe Dhikar and others V/s 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

Mr. A.P. Thakre, counsel for the applicants.
Mr. V.A. Thakre, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/02/2024.

1. Apprehending arrest at the hands of police, in connection with Crime No. 185/2023, registered with Police Station Chikhaldara Police Station, Tq. Chikhaldara, District Amravati, for offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860. The applicants approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicants is on the basis of report lodged by the informant - Anand Kawadu Pidurkar, who alleged that the deceased Sanju Channu Jamunkar had quarrelled with his wife. In the said quarrel, the relatives of the wife of the deceased threatened him, that they would kill him and suspected that the deceased had been killed by the present applicants, who are the relatives of the wife of the deceased. On the basis of the said report, the police have registered the crime.

3. Learned counsel for the applicants submitted that as far as the involvement of the present applicants is concerned

only on the basis of suspicion, there is neither direct evidence nor circumstantial evidence to connect the present applicants with the alleged offence. He submitted that, the motive suggested by the prosecution and quarrel took place prior to one year. Thus, there is a long gap between the quarrel and the present incident, and therefore, applicants cannot be implicated merely on suspicion, the quarrel which took place long back, prior to the incident.

4. The said application is strongly opposed by the State on the ground that there was a previous quarrel between the wife of the deceased, and on that count, the present applicants who are the relatives have committed the murder of the deceased. The offence is of a serious nature and custodial interrogation is required and prays for rejection of the application.

5. Having heard learned counsel for the applicants and learned APP for the State, perused the investigation papers. During the investigation, various statements are recorded by the investigating officer, wherein only suspicion is raised against the present applicants. The motive suggested by the prosecution witnesses is that, prior to one year, the quarrel had been took place between the deceased, and the wife of the deceased. The C.A. Report is also received, wherein no incriminating circumstances are against the present applicants. The post mortem report shows that the death of the deceased is due to spinal cord injury due to sudden force and full rotation of the neck. The opinion is also obtained by

the investigating officer. During the investigation, it shows that such type of injury is possible if a persons falls from a height.

6. Furthermore, except suspicion, there is no other material to connect the present applicants with the alleged offence. Therefore, the custodial interrogation of the present applicants is not required. The material which is collected during the investigation by the Investigating Officer, only suggests suspicion against the present applicants. In view of that, the interim protection granted to the present applicants deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) The criminal application is allowed.
- b) In the event of their arrest, the applicants (1) Sonaji Lofe Dhikar (2) Bhakalu Sonaji Dhikar (3) Kende @ Bablu Sonaji Dhikar and (4) Mhating Bhaiyya Sawalkar @ Shelukar, in connection with Crime No.185/2023 registered with Police Station Chikhaldara, Tq. Chikhaldara, District Amravati, for offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860, the applicants shall be released on anticipatory bail, on executing PR. Bond in the sum of Rs.25,000/- each with one solvent surety, in the like amount.

- c) The applicants shall attend the concerned Police Station as and when required for the investigation purpose and shall co-operate with the investigating agency.
- d) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]