



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

CRIMINAL APPLICATION (ABA) NO. 733 OF 2024

Ashish Santoshappa Langote and others Vs 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.M. Jaltare, counsel for the applicants.

Mr. K.R. Lule, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 18/11/2024.

1. Apprehending the arrest at the hands of Police in connection with Crime No. 357/2024 registered with Police Station Deulgaonraja, District Buldana for the offences punishable under Sections 101(1), 109, 115, 189(4), 190, 191(1), 191(2), 191(3) of the Bhartiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. As per the allegations, the opportunity was granted to the informant to offer the prayer for Puja and Aarti, and at the relevant time, the co-accused, Ankush, and the other unknown persons restrained his brother from offering the prayer, and on that count, there was a quarrel between them. At the relevant time, the brother of the informant and his wife were assaulted by the unknown persons. The co-accused, Ankush Haribhau Ghonge, picked up the knife from his pocket and gave a blow of knife on the person of Prameshwar Pawar, due to which he sustained the injuries, and during the treatment, he

succumbed to the death. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned counsel for the applicants submitted that, even accepting the allegation as it is, mere presence there is no overt-act attributed to the present applicants. As far as the applicant No. 2, Jayshree, is concerned, she has pulled the hair of the wife of the deceased. Thus, he submitted that nothing is to be recovered from the present applicants, except their presence, no other overt-act is attributed to them, and therefore, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that, in furtherance of their common intention, the brother of the informant was assaulted by the co-accused and present applicants, and during treatment, the deceased succumbed to the death. He invited my attention towards the P.M. Report and submitted that in all 12 injuries are found on the person of the deceased; out of that, several injuries are the stab injuries. In view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicants and learned APP for the State, perused the recitals of the FIR, from which it reveals that the only allegation against the present applicants is that he was

along with the co-accused. In fact, no overt-act is attributed to him. During the investigation, the statement of the injured is also recorded. The statement of the injured, which is subsequently to be treated as a dying declaration, also nowhere attributes any overt-act to the present applicants. Mere presence is revealed from the said dying declaration. As far as the act of giving a blow by knife to the deceased is concerned, which is attributed to the co-accused. Admittedly, in subsequent statements which are recorded under Section 164 Cr.PC., the name of the present applicants is mentioned by assigning the role that he has also assaulted by means of knife, but considering the earlier statements and the statement of the injured, it appears that, in subsequent statements, the specific allegations of the present applicants is there.

6. Moreover, the investigation is practically completed, only one knife is recovered at the instance of the co-accused, which is forwarded to the medical officer for obtaining the opinion. The opinion of the medical officer also shows that the injuries sustained by the deceased are possible by the weapon, which was referred to him for the medical examination. Thus, considering that no specific role is attributed to the present applicants either by the injured, initially which is to be treated as a dying declaration. The applicants have made out a case for grant of anticipatory bail. In view of that, I proceed to pass the following order.

- a] Criminal Application is allowed.
- b] In the event of arrest, in connection with Crime No. 357/2024 registered with Police Station Deulgaonraja, District Buldana for the offences punishable under Sections 101(1), 109, 115, 189(4), 190, 191(1), 191(2), 191(3) of the Bhartiya Nyaya Sanhita, 2023, the applicants – **(1) Ashish s/o Santoshappa Langote (2) Jayashree Santoshappa Langote (3) Malhari s/o Sudam Bhusari**, shall be released on anticipatory bail, on executing PR. Bond of Rs. 25,000/- each with one solvent surety in the like amount.
- c] The applicant Nos. 1 and 3 shall attend the concerned police station once in a week on Monday between 10.00 a.m. to 01.00 p.m. shall cooperate 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.
- e] The applicants shall not enter into the vicinity of Shivaji Nagar, Tah. Deulgaonraja, District Buldana, till culmination of the trial.
- f] The applicants shall attend the proceedings before the Sessions Court without seeking any

exemption unless there are exceptional circumstances.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]