



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 24 OF 2025

Kanti Ramjan Teli And Another
VERSUS
The State Of Maharashtra And Another

- Mr. G. S. Rane, Advocate for the Applicants
- Smt. K. R. Jamdhade, APP for the Respondents/State
- Mr. C. C. Deshpande, Advocate for the Respondent

CORAM : R. M. JOSHI, J
DATE : JANUARY 23, 2025

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 389/2024 registered with Amalner Police Station. Dist. Jalgaon for the offences punishable under Sections 103(1), 109, 191(2), 191(3), 192 of the Bharatiya Nyaya Sanhita.

2. After occurrence of the incident subsequently victim died. As such Section 103(1) of the Bharatiya Nyaya Sanhita came to be attracted against the Applicants. The FIR indicates that on 12.08.2024 between 10.00 to 10.30 am incident occurred when the victim/informant was sitting outside his house. He alleged that all accused persons including present

Applicants came in front of his house and started abusing him. It is alleged against Applicant – Kanti that he was insisting informant to transfer the house in their name. When informant refused to the same, Applicant – Kanti and others accompanying him poured petrol on his person. There is specific allegation that Kanti set victim on fire with lighting matchstick. While victim sustained burns, his daughter-in-law came to the spot and tried to extinguish the fire. He was taken to the hospital. On 16.08.2024, he died.

3. Learned Counsel for the Applicants submit that co-accused against whom there is allegation that they were party in alleged pouring of inflammable article on the victim are granted anticipatory bail by this Court by order dated 18.10.2024. It is his submission that having regard to the said fact, Applicants are entitled for pre-arrest bail on parity. As far as Applicant – Jishan is concerned, it is submitted that the role alleged against him is exactly the same as attributed to the co-accused who are enlarged on anticipatory bail. He drew attention of the Court to the report of the investigation officer submitted before the Sessions

Court indicating that at 10.24 am other Applicant was seen coming out of house. It is his submission that having regard to the situation of the house and shop it is to be treated that he left his house for entering the shop. Thus, on this ground anticipatory bail is sought.

4. Learned APP and learned Counsel for son of Informant (now deceased) opposed the application on the ground that of seriousness of the crime as well as the allegations being specifically attributed to the present Applicants. They drew attention of the Court to the order passed granting anticipatory bail to co-accused wherein there is specific observation made that at the relevant time i.e., at the time of occurrence of incident other accused found present in their respective shops and as such, their presence at the spot became doubtful. According to them, since there is no evidence to indicate that Applicants herein were present at some other place than spot of incident, they are not entitled for pre-arrest bail. It is also claimed that there is specific allegation against accused Kanti that he set deceased on fire.

5. No doubt, co-accused are granted pre-arrest bail by this Court, however, observations made in that case become relevant for consideration. Hence, paragraph 6 of the order is reproduced thus:

6. On the last date of hearing when the submissions were made by learned counsel for the Applicants that they were present at their respective shops at the relevant time and not at the place of incident, the Investigating Officer was asked to confirm the correctness of contention of Applicants and submit report in that regard. Today, the Investigating Officer has filed report indicating that Applicant Nos. 2 Babu Ramzan Teli and Applicant No. 3 Rahim Ramzan Teli were found in their respective shops at the relevant time. Apart from this, perusal of police papers indicate that though the incident in question has occurred at public place, there is no statement of any independent witness showing participation of Applicant Nos. 2 and 3 therein. Though there are statements of close relatives of the deceased, this Court finds substance in the contention of learned counsel for the Applicants that owing to the previous disputes, possibility of false/over implication cannot be ruled out.

This clearly indicates that since there was *prima facie* evidence to indicate that these co-accused

were found in their respective shops at the relevant time i.e., at the time of occurrence of incident in question, their liberty was protected.

6. Reverting back to the allegations against present Applicants, there is specific allegation against Applicant Kanti that he came to the spot and he insisted for the transfer of the house in their name, which was resisted by the victim. There is further specific allegation that petrol was poured on his person and Kanti lit him. There cannot be any more specific allegation against any person in case of death by burning. Admittedly, in the said incident the victim sustained serious burn injuries and later on, he died on 16.08.2024. Thus, there is *prima facie* material on record to hold that he is directly responsible for setting deceased on fire and for his death.

7. As far as Applicant No. 2 – Jishan is concerned, though he claims that he was not present at the spot, however, report of the investigating officer placed on record before the Sessions Court indicates that at 10.24 am this Applicant left his house. There is no dispute about the fact that the distance between

of his house and place of incident is only 750 meters. Thus, it is not impossible for the Applicant could reach the spot at time of incident. Since there is no material on record to hold his presence at some other place than the spot of incident, he cannot claim parity with the accused already granted pre-arrest bail.

8. This Court, therefore, is of the considered view that the anticipatory bail granted to co-accused was in different situation indicating their presence at different place, altogether which does not apply to the present Applicants. The offence is serious in nature punishable with life imprisonment or death penalty, if proved. Once involvement of Applicant *prima facie* seen in the serious offence like this, question of granting anticipatory bail does not arise. Investigation into the crime is in progress. Their custodial interrogation is necessary.

9. In view of above discussion, application stands dismissed.

(R. M. JOSHI, J.)