



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 71 OF 2025

Vilas s/o Rangnath Gavli

.. Appellant

versus

The State of Maharashtra & another

.. Respondents

Mr. N. S. Ghanekar, Advocate for the appellant.

Mr. S. B. Jadhav, APP for the State.

Mr. B. K. Ingle, Advocate for Respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 14th FEBRUARY, 2025.

PER COURT :

1. This appeal is for regular bail under the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. The appellant is arrested in connection with crime of murder. First Information Report came to be lodged for the offences punishable under Sections 302, 201 read with Section 34 of Indian Penal Code and under Section 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

2. Gist of the First Information Report indicates that on 25.06.2024 at about 4.00 pm, while the informant was at his work place, he received a phone call from mobile No. 7498069362. When

he picked up the call, nobody spoke however, he could hear noise of television. He, therefore, again redialed the said number but no one picked up the call. Since this mobile phone was of the informant, he along with his friend came to home. He found that his son was sleeping and his daughter (deceased) was lying on the floor. He asked his son as to who had made the phone call to which he replied that he did not know and his sister might have called him. When he tried to wake up his daughter, he could not wake her up. There was no movement. Hence, she was taken to the hospital along with Ramdas, Uddhav and co-accused. There are also allegations against the co-accused. It is stated that police had made enquiry with him from time to time however, he could not respond to them. After the rituals were performed, he was sure that the accused persons have committed murder of his daughter and lodged report.

3. Learned counsel for the appellant submits that now charge-sheet is filed and on the basis of the evidence collected during the course of investigation, it can be seen that the statement of brother of deceased who was present in the house has been recorded after 74 days of occurrence of the incident. According to him, at all point of time, informant had suspicion against the present appellant

and it can be seen from the fact that CDR of appellant too were called on 19.08.2024. It is his submission that if the appellant had been to the house of the informant, informant's son would have disclosed said fact to the informant immediately. He also drew attention of the Court to the statement of one of the witnesses who is a minor girl. According to him, this statement is recorded after about 4 months of the incident i.e. 27.10.2024. He further drew attention of the Court to the post mortem notes as well as opinion of the Medical Officer which indicate that this is a case of strangulation or hanging but not a case of compression of neck with hands. He makes a statement that the appellant has no antecedents and he is not likely to flee from justice.

4. Learned APP and learned counsel for the informant opposed grant of bail. It is the contention of learned APP that there is prima facie evidence to indicate involvement of appellant in this serious crime. In order to support his submission, he drew attention of the Court to the statements of brother of deceased and another witness who is a minor girl. It is his submission that on the basis of these statements coupled with the fact that this is a case of death of

the deceased being caused by compression of neck, this is not a case of grant of bail.

5. Learned counsel for informant opposed grant of bail on the ground that the daughter of the informant was brutally murdered. It is his submission that if the appellant is released on bail, he is likely to be danger to the life of the brother of the deceased and the minor witness. It is his submission that the informant cannot be held responsible for delay caused in recording of the statements as the police did not record First Information Report immediately and it was recorded only on 05.08.2024. It is his submission that having regard to the evidence on record, appellant is not entitled for bail.

6. Perusal of charge-sheet indicates that there is suspicion against the present appellant that he might have committed the crime in question. There is no eye witness to the incident however, there is statement of brother of deceased who claims that around the time at which the incident has occurred, the appellant had been to their house. It is however pertinent to note that the incident in question has occurred on 25.06.2024. Informant in First Information

Report itself has specifically stated about making enquiry with his son. If it is so, question arises as to why statement of his son was not recorded or he has not disclosed the said fact to the informant. Similarly, statement of the neighbouring girl is also recorded on 27.10.2024. Recording of statements of witnesses belatedly always create suspicion about its genuineness. Here in this case, as rightly pointed out by learned counsel for the appellant that CDR of the appellant's mobile was called on 19.08.2024 itself and as such this could be a case of false implication of the appellant by recording statements of these two witnesses belatedly.

7. A question arises before this Court is as to whether there is sufficient evidence on record in order to reject the appeal for bail of the present appellant. As observed herein above, evidence prima facie shows suspicion against the him. In such circumstances, more particularly, when there is no criminal history behind the appellant, it would not be in the fitness of justice to reject his appeal.

8. Considering the apprehension raised by learned counsel for the informant about possibility of there being danger to the life of brother of the deceased as well as minor witness, the appellant is

directed not to enter village Tisgaon till conclusion of the trial.

Hence, the following order :-

ORDER

- (i) Appeal is allowed.
- (ii) Appellant be released on bail in connection with Crime No. 0703/2024 registered with M.I.D.C. Waluj Police Station, Dist. Aurangabad, for the offences punishable under Sections 302, 201 read with section 34 of Indian Penal Code and under Section 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act on furnishing PB and SB of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.
- (iii) Appellant shall not enter village Tisgaon till conclusion of the trial.
- (iv) He shall not contact the witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) Bail before trial Court.

(vii) Learned APP to communicate this order to the concerned Investigating Officer.

(R. M. JOSHI)
Judge

dyb