



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 262 OF 2025

1. Prashant S/o. Ananta Khandagale
Age: 26 years, Occu.: Labour. (Orig. Accused No.1)
2. Jeevan S/o. Chandu Lokhande
Age: 22 years, Occu.: Labour. (Orig. Accused No.2)

Both R/o. Somwar Peth, Tq.Basmath,
Dist.Hingoli.Applicants

Versus

. The State of MaharashtraRespondent

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Advocate for Applicants : Mr. Akshay Raosaheb Dhore

APP for Respondent : Mr.VM.Jaware

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 03 MARCH, 2025

ORDER :

1. Both applicants seek enlargement on bail on account of their arrest in crime no.0632 of 2024 registered at Ardhapur Police Station, Dist.Nanded for offence under Section 304 read with 34 of the Indian Penal Code (IPC).

2. Learned counsel pointed out that applicants are arrested in above crime on 10-01-2025. That, alleged occurrence is of

20-04-2024, but report is filed on 02-12-2024 i.e. after inordinate delay of almost more than eight months. That, there are allegations of being pushed in the canal. That, death is said to be due to drowning. That, three persons are accused. That, roles are not distinguished. That, in view of nature of allegations, nothing is shown to be recovered or discovered at their instance and therefore, no further detention is required. That, investigation is almost over and hence, applicants seek grant of bail.

3. While opposing the bail application, learned APP submitted that in the backdrop of some money transaction, incident had occurred. That, deceased died only because of being pushed in Canal water. That, there are statements naming involvement of applicants. That, investigation is still incomplete and for all above reasons, learned APP seeks rejection of application.

4. Heard. Perused the papers. As submitted, informant Sunita Sanjay Hatagale seems to have approached Ardhapur Police Station, Dist.Nanded on 02-12-2024 alleging that on 20-04-2024, she had been to a religious fair. She has reported that in such fair, son of her husband's maternal cousin Jayashri, namely Prashant his friend Jivan

and Somesh took her son Ruturaj from the fair on Motorcycle in high speed at around 02:30 p.m.. She further reported that at around 03:00 p.m. her brother-in-law received a phone call from Prashant informing that Ruturaj drowned in the Canal water and therefore, Police was informed. That dead body of her son was found in Chauramba Shivar. After funeral, she has reported that Prashant, Jivan and Somesh, inspite of knowing that deceased Ruturaj did not knew swimming, pushed him in the Canal and are responsible for his death. On above report, crime seeks to have been registered.

5. Learned APP submitted that investigation further revealed that there was some money transaction, but apparently FIR is silent about any such transaction between deceased and applicant.

Taking the nature of allegations into consideration and as allegedly submitted nothing further is shown to be recovered or discovered at the instance of applicants and they are behind bars since January 2025, though chargesheet is not filed, it is not known as to at what stage investigation is at this stage, therefore, further investigation can also be carried out by securing the presence of applicants, if Investigating machinery so desires. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicants (1) Prashant S/o. Ananta Khandagale and (2) Jeevan S/o. Chandu Lokhande be released on bail in connection with Crime no.0632 of 2024 registered with Ardhapur Police Station, Dist.Nanded, on executing Personal Bond of Rs.15,000/- each with one surety in the like amount each, on the following conditions :
- (a) The applicants shall not tamper prosecution evidence.
- (b) The applicants shall not leave the area of jurisdiction of the concerned Police Station till conclusion of trial.
- (c) The applicants shall not enter into vicinity of village Sheni, Tq.Ardhapur, Dist.Nanded, till conclusion of trial.
- (d) The applicants shall attend the concerned Police Station twice in a week i.e. on every Monday and Friday between 11:00 a.m. to 02:00 p.m. and shall maintain personal diary of their such attendance till committal of case, and thereafter, shall attend each and every effective date before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE