



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

947 ANTICIPATORY BAIL APPLICATION NO. 1829 OF 2024

1. Hariom Vijay Tokashe,
2. Sunil Ramesh ikkar,
3. Kerbaji @ Kerba Sanjay Chavan,
4. Vicky Kashiram Pawar,
5. Ashok Sanjay Chavan.

VERSUS

The State Of Maharashtra

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Advocate for Applicants : Mr. D. A. Mane h/f Mr. Pawade Nilkanth R.
APP for Respondents-State: Mr. R. S. Wani

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CORAM : ARUN R. PEDNEKER, J.

Dated : March 20, 2025.

PER COURT :-

1. Heard learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants are apprehending arrest in connection with FIR No.565/2024, dated 21/09/2024, registered at Jintur Police Station, District Parbhani, for the offences punishable under sections 135, 105, 223 of Bharatiya Nyaya Sanhita.
3. This Court granted interim protection to the applicants by order dated 23/10/2024.
4. The case against the applicants is that the DJ sound was played beyond the permissible limits during the *Ganesh Visarjan* procession. Despite being instructed to stop, it continued to play at an excessive volume, allegedly causing Sandip Vishwanath Kadam to suffer a heart attack, resulting in his death.

5. The allegation against the applicants is that they played the DJ sound and are responsible for the deceased's death, leading to the registration of an offence of culpable homicide against them. *Prima facie*, this Court is of the view that the applicability of the offence as alleged is doubtful.

6. Considering these aspects, the interim protection granted by this Court by order dated 23/10/2024 is confirmed.

7. In view of the above, the application is allowed in the following terms: -

i] In the event the applicants are arrested in connection with FIR No.565/2024, dated 21/09/2024, registered at Jintur Police Station, District Parbhani, for the offences punishable under sections 135, 105, 223 of Bharatiya Nyaya Sanhita, they shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicants shall attend the police station as and when called by the police.

iii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

8. In the event, the applicants violates any of the conditions specified in this order, it shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.