



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2069 OF 2024

Sonya @ Gautam Bhagwan Ambhore,
Age : 26 years, Occu. : Agri.,
R/o. Shani Shingnapur, Tq. Newasa,
Dist. Ahmednagar.

... Applicant
(Orig. Accused No.5)

Versus

1. The State of Maharashtra,
Through M.I.D.C. Police Station,
Ahmednagar.
2. The Superintendent of Police,
Parbhani.

... Respondents.

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Mr. B. S. Bhale, Advocate for Applicant.
Mrs. Vaishali S. Chaudhari, APP for Respondent - State.
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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 3rd MARCH 2025
PRONOUNCED ON : 6th MARCH 2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.0502 of 2024 registered at M.I.D.C. Police Station, Ahmednagar for the offence punishable under sections 302, 504, 506, 143, 147, 148, 149 of Indian Penal Code (IPC).

2. Pointing to the date of arrest of applicant as 05.07.2024, learned counsel submitted that merely for being in the company of

main accused, applicant is taken in custody. That, no specific overt act or role is attributed to him. That, alleged occurrence is of the night of 03.06.2024, but report is lodged on 10.06.2024 and as such it is a delayed FIR. It is further pointed out that, informant, who is wife of deceased, was at relevant time at Mumbai and incident had taken place in M.I.D.C. Ahmednagar. That, she claims to have interacted with her deceased husband on video call. That, five persons are named by alleged deceased husband for being armed with articles, but it was dark and as identity of said persons itself is doubtful. He further pointed out that, from the FIR also it is apparent that informant has learnt information from police itself. Thus, there is no direct evidence. That, amongst five accused, two are shown to be juvenile and they are already released. That, applicant is behind bars since more than eight months. That, nothing further is shown to be recovered or discovered at his instance. There are no immediate prospects of matter going for trial and hence bail is urged for.

3. While opposing the bail application, learned APP pointed out that, there is strong incriminating material in the form of CCTV footage. Moreover, blood stained clothes of applicant are seized under memorandum of disclosure. That, there is brutal murder by five persons. That, there is every possibility of misuse of liberty.

4. Perused the FIR dated 10.06.2024. Apparently, it is regarding occurrence dated 03.06.2024. Wife of deceased Stephan reported that while she was at her mother's place at Mumbai on the night of 03.06.2024, around 10:35 p.m, she was having telephonic talk with her deceased husband, who was dining in a hotel. She claims to have heard from him that across the road near a closed shop, five persons were standing, amongst whom, some were having sickles. She claims that, her husband switched on the video call and showed her those persons and also she saw in the light five persons standing holding sickle. She further claims to have questioned her husband as to who those persons and while asking it she claims to have seen on the *whats app* video call that those five persons were making gestures towards her husband and approaching him and in frighten condition, her husband informed her that he would call later and she further claims that she further overheard her husband talking to someone and also heard unknown person's voice abusing for taking video shooting and threatening. She further claims to have seen her husband fleeing and thereafter his phone being switched off. She further claims that, on next morning, around 10:30 a.m., she got call from police about her husband lying unconscious on Nagar-Manmad highway and on being taken to hospital, he was declared dead.

5. However, on close scrutiny of above report, it is clearly emerging that, thereafter informant has stated that, from police she learnt that around 1:15 a.m. when her husband was standing near Sahyadri Chowk, persons namely, Sangram Kadam, Mahesh Aru, Bhorya @ Vitthal Kale, Kiran Gavhane and present applicant Sonya assaulted her husband for video shooting of them and he was done to death. Hence the report.

6. Learned APP while opposing has pointed out that, case is though based on circumstantial evidence, there are CCTV footages. However, on further court query, whether identity of the assailant is got fixed from said CCTV footage, she would submit that, identification is made only on the basis of clothes. Said CCTV footages do not show actual occurrence of assault. No T.I. parade seems to have been conducted yet for fixing identity. Charge sheet is filed in September 2024 itself. There is nothing to indicate that matter being committed, charge being framed and matter going for evidence. Therefore, considering the belated FIR and above discussion, when nothing further is shown to be recovered or discovered, no purpose would be achieved by continuing the detention with such nature of allegations. Applicant succeeds. Hence, the following order is passed :-

ORDER

- (i) The application is allowed.
- (ii) The applicant Sonya @ Gautam Bhagwan Ambhore be released on bail in connection with Crime No.0502 of 2024 registered with M.I.D.C. Police Station, Ahmednagar on executing P.B. of Rs.15,000/- with one surety in the like amount.
- (iii) The applicant shall not tamper prosecution evidence.
- (iv) The applicant shall not enter the vicinity where the informant and his family members reside, till conclusion of trial.
- (v) The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

(ABHAY S. WAGHWASE, J.)