



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2242 OF 2024

Dinesh S/o. Ashok Ekade
Age: 26 years, Occu.: Labour,
R/o. Ekade Mala,
Burudgaon Road, Kotwali,
Tq. & Dist.Ahmednagar.

....Applicant
(Orig. Accused)

Versus

The State of Maharashtra
Through its Investigation Officer,
Kotwali Police Station,
Tq. & Dist.Ahmednagar.

.....Respondent

.....

Advocate for Applicant : Mr.Sudheer Ramdas Zambare
APP for Respondent : Mr.S.B.Narwade

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 10 FEBRUARY, 2025

ORDER :

1. Present application is for grant of regular bail as a result of arrest of applicant in crime no.0652 of 2024 registered with Kotwali Police Station, Dist.Ahmednagar for offence under Sections 302, 201 read with 34 of the Indian Penal Code (IPC).

2. Pointing to the FIR dated 01-06-2024, learned counsel for the applicant submitted that it is at the instance of Police Official. That,

initially “missing” of deceased Ganesh Ekade was received and investigated. That, enquiry was made with father namely Ashok Laxman Ekade, but he gave evasive answers. Learned counsel pointed out that on secret information, it is alleged that Ashok Ekade was arrested and he gave confession to the Police about throttling his son i.e. applicant’s brother. He pointed out that as regards to the applicant is concerned, only role attributed to him is of assisting main accused Ashok in causing disappearing of evidence. That, chargesheet is filed on 26-08-2024 and there is no further recovery or discovery is shown to be made at the hands of applicant. That, as there are no immediate prospects of matter going for trial, learned counsel for the applicant seeks relief of bail.

3. Learned APP pointed out that deceased was done to death by very father and present applicant is brother of deceased. That, because of repeated demands of money for liquor and hurling abuses on that count, Ashok i.e. own father, who is also father of present applicant, throttled and committed murder of deceased and thereafter, present applicant assisted him in disposing of the dead body in the well and there is extra-judicial confession on record. Therefore, learned APP opposes the relief.

4. Heard. Perused the papers. FIR dated 01-06-2024, as pointed out, is by Police Constable, who has reported that on 22-05-2024, investigation of “missing” bearing no.71 of 2024 was received and he conducted its investigation. He further claims that on 31-05-2024, while investigation of “missing” was conducted, secret information was received that deceased Ganesh was killed by none other than his own father i.e. Ashok and therefore, Ashok was taken in custody and he allegedly gave confession. Apparently, as mentioned in the FIR, it is submitted that role attributed to present applicant is of helping father in disposing of dead body of deceased. Taking into consideration such role assigned to applicant and as chargesheet is already filed in August, 2024 and when no further recovery is shown to be made at the instance of applicant coupled with no concrete schedule of matter going for trial, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Dinesh S/o. Ashok Ekade be released on bail in connection with Crime no.0652 of 2024 registered with Kotwali Police Station, District Ahmednagar on executing Personal Bond of Rs.15,000/- with one surety in the like amount.

- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not leave jurisdiction of Kotwali Police Station, Dist.Ahmednagar, without prior permission of the Court, till conclusion of trial.

(ABHAY S. WAGHWASE)
JUDGE

SPT