

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1233 OF 2025**

Ajit Appasaheb AadakeApplicant
Vs.
The State of MaharashtraRespondent

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CHAUDHARI

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Mr. M. S. Mohite a/w Jaydeep D. Mane for the Applicant.
Ms. P. S. Rane APP for the State.
Mr. Abhay Jadhavar i/b Sachin K. Hande for the Intervenor.
API Shriganesh Kavitate, Solapur City Police Station.
PI Tanaji Darade, Phaujdar Chawadi Police Station, Solapur.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th SEPTEMBER 2025

P.C.:

1. The applicant is apprehending arrest in Crime No. 389/2024 registered with Faujdar Chawadi Police Station, Solapur, District: Solapur for the offences punishable under Sections 302, 307, 120(b), 323, 324, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code and Sections 37(1)(3), 135 of the Maharashtra Police Act.

2. It is the prosecution's case that on 21st June, 2024, at around 12.30 p.m. when the measurement of land of the first informant was going on in the presence of Government officers,

at that time, the applicant and co-accused came there with sickle, iron pipe and wooden rod and assaulted the deceased Purushottam, first informant and other witnesses. In the said assault Purushottam got serious injuries and he died while taking treatment. It is alleged that the applicant was present at the time of incident and he has assaulted the deceased and first informant with wooden rod.

3. It is the contention of learned senior counsel for the applicant that the applicant and first informant are neighbors. The first informant knew the applicant. In the FIR there is no reference of the applicant. The first informant in detail has described the role of each of the co-accused, but he has not attributed any role to the applicant. Learned senior counsel further submitted that after five days of the incident, in supplementary statement for the first informant, the name of the applicant is mentioned attributing the role of assaulting to the deceased and first informant with wooden rod. It is afterthought and only to rope all Family members of Aadake in the said crime. Learned senior counsel further submitted that when the deceased was admitted in the hospital, the medical history was

given as assault by the unknown persons. No name of any person was mentioned in it. He further submitted that the statement of other witness Haribhau is recorded after 20 days of the incident, showing the involvement of the applicant which is also afterthought. Hence, requested to allow the application.

4. It is the contention of learned APP that the applicant along with learned counsel for the Intervenor that the deceased was brutally murdered by the applicant and co-accused. The deceased had sustained 17 grievous injuries. The first informant has specifically stated about the role played by the applicant. There was delay in recording the supplementary statement of the first informant as he was seriously injured in the said incident and his brother Purushottam was fighting for life. Hence, he could not mention the name of the applicant in FIR. The applicant is absconded since the day of the incident. NBW warrant is issued against him. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application. She relied *Dastageer S/O. Maremasab Hunashyl vs. The State of Karnataka in Criminal Petition No. 100409 of 2025* and *Shrikant Upadhyay & Ors. vs.*

State of Bihar in Cri. SLP No.7940 of 2023.

5. I have heard all the learned counsel. Perused the FIR, documents produced on record and the case laws cited by the learned APP

6. Admittedly, in the FIR, the name of the applicant was not mentioned, though the first informant knew the applicant. In the FIR, the role of the co-accused is described minutely alleging the role played by each of the co-accused and how they assaulted the deceased and first informant. After five days of the incident, in supplementary statement of the first informant, the name of the applicant is mentioned. The statement of other witness Mr. Haribhau is recorded after 20 days of the incident and in the said statement, he has taken the name of the applicant showing his involvement in the crime. When the deceased was admitted in the hospital, the history was given that the said assault was made by the unknown persons. In the FIR, it is mentioned that the co-accused assaulted the deceased and first informant and at the same time, some 7 to 8 unknown persons came from the shugarcane field, who were hiding there and assaulted the deceased and first informant. But in the

supplementary statement, there is no reference of unknown persons.

7. The first informant knew the applicant as the applicant is the neighbor of the first informant and the dispute was going on between them due to the boundary line of land, but his name was not mentioned in the FIR initially. Considering these facts, I am inclined to allow the application. The facts of case laws cited by the learned APP and the facts in the present case are different. Hence, not applicable.

8. Considering above reasons, custodial interrogation of the applicant is not required and I pass following order :

ORDER

- I. Application is allowed.
- II. In the event of arrest, applicant be enlarged on bail in Crime No. 389/2024 registered with Faujdar Chawadi Police Station, Solapur, District: Solapur on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- III. The applicant shall attend the concerned police station as and when required.

- IV. The applicant shall not enter in the Solapur city till recording of evidence of eye witnesses except attending the Court dates.
 - V. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
9. Application is allowed in the aforesaid terms and is accordingly disposed of.
10. It is made clear that the above observations are made only for the purpose of granting bail and the trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.
11. All concerned to act on authenticated copy of this order.

[SHIVKUMAR DIGE, J.]