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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1185 OF 2024

Bhagyoday Gorakh Sakpal

.....Applicant

Vs.

The State of Maharashtra

.....Respondent

Mr. Ajit Kenjale a/w Mr. Pradeep Gole and Mr. Bansode for the applicant

Mr. N. B. Patil APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd SEPTEMBER 2025

P.C.:

1. Applicant is apprehending his arrest in C.R. No. 38 of 2024 registered with Wathar Police Station, District: Satara for offences punishable under Sections 302 and 109 of Indian Penal Code.

2. It is the prosecution's case that on 16th February 2024, son of the first informant was murdered by co-accused. It is alleged on the day of murder, present applicant insisted the co-accused to kill the deceased and in the investigation, it revealed that

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applicant facilitated the said murder and Rs. 1000/- was paid by the applicant to the co-accused.

3. It is the contention of learned counsel for applicant that at the time of incident, applicant was not present. Applicant was serving in Army and he was serving at Jammu on the day of incident. Applicant was on interim relief for around one and half years. He has cooperated in the investigation and requested to allow the application.

4. It is the contention of learned APP that on the day of incident, there was call between applicant and co-accused. The CDR produced on record supports the case of prosecution. Applicant had insisted the co-accused to kill the deceased and on the instigation of the applicant, co-accused murdered the deceased. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard both learned counsel, perused F.I.R. and documents produced on record. Admittedly, at the time of incident, applicant was not present at the incident spot. On the

day of incident, he was serving at Jammu. Prosecution's case is that applicant instigated the co-accused to kill the deceased. To prove it, evidence is required. Applicant is on interim relief for two years. He has cooperated in the investigation.

6. Considering these facts, I pass following order:

ORDER

I. Interim relief granted vide order dated 29th April 2024 is made absolute.

7. Application stands disposed of accordingly.

[SHIVKUMAR DIGE, J.]