

**ORDER BELOW EXH.1**  
(Passed on 19.12.2022)

This is an application for grant of anticipatory bail as the applicants have apprehension of their arrest in non bailable offence in connection with crime no.1259/2022 registered with Police Station, Hinganghat for the offences punishable under sections 304, 201,177 r/w sec. 34 of Indian Penal Code.

2. It is the case of the prosecution that on 01.12.2022, PSI Vasant Shukla of Police Station Hinganghat lodged written report stating therein that on 01.12.2022 he was on day duty, at that time one Kailas Yadav r/o Navlakh Dist. Sarsa, Bihar, made phone call and informed that his cousin namely Prabhas was murdered by contractors of Dal (pulse) Mill namely Ajit and Sunil and they are about to burn dead body. Then PSI Shukla informed that fact to in-charge PSO. Then PSI Shukla went to graveyard. He found one dead body was being burnt there. There were two persons near said burning dead body. He asked their name. They told their names as Ajitkumar Yadav and Vikaskumar Yadav.

3. It is further alleged in report that Vikaskumar Yadav told that the dead body was of his brother namely Prabhaskumar Yadav, aged 16 years. He further told that on 30.11.2022 at 9.30 pm deceased was working in Mandhaniya Dal Mill with one Niteshkumar Sada in night shift. It was duty of deceased to spread pulse, so as pulse should not be accumulated at one place in tank. But while spreading pulse, it accumulated upto waist of deceased Prabhas. He shouted. Nitesh tried to remove

him but could not remove deceased Prabhas, so Nitesh went to supervisor Dilip Asalkar, but he was also not available at his place. Then one Ashok Kudiya brought down slate of second floor. Then labour contractor and his associate came there and removed deceased Prabhas. He was not doing movement. So, his dead body was kept in his house overnight.

4. It is further alleged that on 01.12.2022 supervisor called owner of Dal Mill and called pickup vehicle and brought dead body of deceased Prabhas at graveyard. He also stated that they told to employee of graveyard that the deceased died due to heart attacked and then done funeral on dead body. It is alleged by PSI Shukla that he verified that fact from employee of graveyard, who confirmed that he was told that deceased died by heart attacked. Then PSI Shukla gave information to SDPO Hinganghat and took station diary entry.

5. After preliminary inquiry, considering situation that contractor allowed minor deceased Prabhas to work in industry, the owner and manager were knowing that the minor was working in Mill even then they allowed him to work and provided pickup vehicle for taking dead body for funeral and did not inform about the incident to police, the slate was opened without any reason and due to that deceased died and thereafter by giving false information of death of deceased, accused done funeral to destroy evidence, the owner and manager have not provided safety measures for work and did not verify the fact of death of deceased, therefore, informant

PSI Shukla lodged report against owner and manager of Dal Mill, labour contractor Dilip Asalkar, Ashok Kudia, Ajit Yadav and Vikas Yadav. On the report crime no.1259/2022 for the offences punishable u/s 304, 201, 177 r/s 34 of IPC came to be registered. Hence, this application.

6. Heard learned advocate for applicants and learned APP for State/non applicant. Perused application, say (Exh.6), documents filed on record and investigation papers.

7. It is contention of the applicants that they are peace loving and law abiding lady citizens. There are no criminal antecedents on their parts. Both applicants were having land in their names, therefore, they entered into partnership with son of applicant No.1 Saurabh and started Dal-Mill under the name and style as M/s Mandhaniya Industries. It is submitted that Saurabh was looking after business and affairs of said Dal-Mill as per memorandum of understanding (MOU) entered into between applicants and said Saurabh in the year 2020.

8. It is further contention of the applicants that as Saurabh has been looking after the business of Dal-Mill, therefore, they are not aware who is working in the industries. It is further submitted that there was function in the house of parents of applicant No.1, therefore, since 29.11.2022 both the applicants had been to Nagpur and they never received any intimation about the alleged incident. The applicants have no concern with alleged incident as Saurabh is looking after the firm and its

entire business. It is submitted that on enquiry it revealed that deceased Prabhas was major. It is submitted that the applicants are ladies and having apprehension of their arrest at the hands of police in non-bailable offence as they are partner of the said Dal-Mill. It is submitted that if they are arrested, then they will be put to hardships and their image in society would malign. It is also contended that they have not misused the interim protection granted to them. They have co-operated with the investigation and ready to abide by all terms and conditions if any imposed by this Court while granting anticipatory bail. Therefore, it is prayed to allow the present application for grant of anticipatory bail.

9. Per contra, learned APP strongly opposed the application contending that applicants are owners of Dal Mill. They may pressurize the witnesses. Applicants were knowing that the minor was employed in Mill but no safety measures were provided. If the applicants granted protection, then they may commit similar type of act. Applicants are evading their arrest and not co-operating in investigation. Concerned documents of Mill are to be seized. DNA samples of relatives of deceased are to be taken, if application is allowed then applicants may pressurize relatives of deceased. The applicant may flee away and may create hurdle in investigation. Therefore, it is requested to reject application.

10. Considering rival contentions, I perused investigation papers and documents filed on record. As per FIR deceased

Prabhas Kumar Bindeshwar Yadav was 16 years old and was working in Mandhaniya Dal-Mill. His work was to spread pulses. While spreading pulse he could not move from that place and the pulses accumulated around him upto his waist, he could not come out of it and raised shout, other labours removed him. At that time he was not doing any movement. Thereafter, he was kept in his room overnight, then on 01.12.2022 supervisor of Dal-Mill made phone call to owner of Dal-mill and brought pick-up vehicle and took the dead body of deceased Prabhas to graveyard and done the funeral. It was informed that the deceased was died due to heart attack. It is alleged in FIR that deceased was minor and the owner and manager of Dal-mill knowing that fact and suppressed the incident.

11. It is pertinent to mention that FIR does not bear the name of present applicants. There are no allegations in FIR against the present applicants by their names. The MOU filed on record shows that it is agreed between applicants and accused Saurabh that Saurabh shall have full management and control of the business and he shall be responsible for day today business and decision and operation of the firm. The statements of witnesses also do not disclose the prima facie involvement of the present applicants. The applicants are ladies. There is no allegation that there are any criminal antecedents on their part. No allegation that they have misused interim protection. Considering collected material during investigation, the custody of present applicants for investigation is not warranted. Therefore, there is

no reason for denying anticipatory bail to applicants. Hence, I proceed to pass the following order -

- (i) The application (Exh.1) for grant of anticipatory bail is hereby allowed.
- (ii) In the event of arrest of applicants (1) Sau. Kantadevi Shrikant Mandhania and (2) Sau. Prabha Girishkumar Mandhania, in Crime No.1259/2022 registered with Police Station, Hinganghat for the offences punishable u/s 304, 201, 177 r/w 34, they be released on executing PR bond of Rs.15,000/- each with one solvent surety of like amount each.
- (iii) The applicants shall attend the concerned Police Station and shall make themselves available for interrogation as and when called by the Investigating Officer by issuing written notice.
- (iv) The applicants shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (v) The applicants shall not leave District Wardha without informing investigating officer.

Inform the concerned Police Station.

Dt.19.12.2022.

(R.R.Mendhe)  
Addl. Sessions Judge,  
Hinganghat.

**C E R T I F I C A T E**

*I affirm that the contents of this P.D.F. file are same word to word, as per the assigned order.*

*Smt. A.V.Gurnule,  
Stenographer (Grade-1)*