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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 686 OF 2015

Ganesh @ Ganpati s/o Dharmaji Gacche
Age-25 years, Occ – Labour
R/o Bamani, Taluka- Loha,
District – Nanded
At present Kopra, Taluka-Ahmedpur
District – Latur

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

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Mr. A. V. Deshmukh, APP for respondent State

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[CORAM : T.V.NALAWADE, J.]

DATE: 2nd MARCH, 2015

ORDER:

1. The application is filed for bail. Nobody remained present for the applicant. Learned APP is heard. This Court has perused the papers of investigation.

2. This Court had directed to learned APP to take provisional opinion regarding cause of death, but it appears that even after giving directions, the doctor has not given opinion and he has only opined that injuries found around the neck of the deceased can be caused by substance like rope and Viscera is preserved.

The opinion is given that probably the death took place due to obstruction in the process of respiration.

3. The crime is registered on the basis of report given by one Santosh, brother of the deceased. The deceased was given in the marriage to the applicant, six years prior to the date of incident. Allegations are that there was harassment to the deceased from the husband and his relatives as their demand of Rs.50,000/- was not met with. The incident took place in the matrimonial house on 12th November, 2014. When the others reached there, the husband and his relatives had already taken down the dead body from the beam where it was hanging.

4. Postmortem report shows that ligature mark was found on the neck of the deceased, but it was not complete and it was extending and directing upwards and it was disappearing towards right side. In view of the circumstances and as it is not certain as to how much time will be required for disposal of the case, and as the applicant is behind bars since 12.11.2014, this Court holds that relief needs to be granted to the applicant.

5. In the result, the application is allowed. The applicant be released on bail on his furnishing PR and SB of Rs.15,000/-. Applicant shall not tamper with the prosecution witnesses and he

shall not commit similar offence. The applicant not to enter the village of the complainant till disposal of the case. Liberty is given to the State to apply for cancellation of bail to this Court, if some material is available showing that the death is homicidal.

[T.V.NALAWADE, J.]

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