

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2868 OF 2015.

PRALHAD KESHAV BITE.
VERSUS
THE STATE OF MAHARASHTRA

Appearance =>

Mr. Sudarshan J. Salunke, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 29th June, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No. 113/2014 registered with Police Station, Wadawani, District - Beed for the offences punishable under Section/s 302, 201 read with 34 of the Indian Penal Code.

[2] Heard Mr. Sudarshan J. Salunke, learned counsel for the Applicant and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State.

[3] Deceased Radha, was the daughter of present Applicant. According to the prosecution case, on 19th December, 2014 deceased Radha has left the house, on the pretext that she is going to attend

the School however, she was caught by Anti Teasing Squad, when Radha was in the company of Dattatraya Dinkar Waghmare. Therefore, the present Applicant was called in the Police Station. Accordingly, present Applicant had been to the Police Station and he took his daughter – Radha. According to the prosecution, thereafter, the Applicant and his son beat her, resulting into her death.

[4] Statement of Rukhmini is recorded. She has stated that present Applicant gave beating by means of stick where-as other accused, who is juvenile in conflict with law, has given blow of iron rod.

[5] Taking overall circumstances of the prosecution, it is crystal clear that there was never intention on the part of the present Applicant to kill his own daughter. It appears that reason to give beating to his daughter by the present Applicant is that, since his daughter – Radha was caught by the Anti Teasing Squad when she was found in the company of Dattatraya and thereafter since he was called by the Police in the Police Station. However, that cannot be termed as intention on the part of present applicant to kill his daughter.

[6] Charge sheet is already filed. Further custodial presence of present Applicant is, therefore, not necessary, looking to the aforesaid facts and circumstances of the case. That leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - PRALHAD KESHAV BITE shall be released on regular bail on he executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Five Thousand.] with one solvent surety in the like amount, in connection with CR No. 113/2014 registered with Police Station, Wadawani, District - Beed for the offences punishable under Section/s 302, 201 read with 34 of the Indian Penal Code.
- (iii) Bail before trial court.
- (iv) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)