

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3810 OF 2015

Bajirao Ramhari Zolekar

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. S.K.Shinde, Advocate for Applicant.

Mr. D.V.Tele, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 3rd AUGUST, 2015

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PER COURT :

1. This is an application for grant of bail. Applicant is arrested in connection with Crime No. 45/2015 registered with Akole Taluka police station, District Ahmednagar for the offence punishable u/s 302 of the Indian Penal Code.

2. Heard Mr. S.K.Shinde, learned counsel for the applicant and Mr. D.V.Tele, learned A.P.P. for respondent – State.

3. Investigation is over. Charge sheet is already filed in the Court of law.

4. Deceased is Rajashree, wife of the present applicant. Her burnt body was found in the well. Marriage of present applicant with Rajashree took place about 18 years ago and from the wedlock, couple is having two sons viz. Ajit aged about 17 years and Mayur aged about 14 years.

5. F.I.R. is lodged by Govind Bajirao Awari, brother of the deceased. He resides at Mumbai. According to F.I.R., present applicant has developed illicit relation with somebody and on that ground he used to illtreat the deceased and ultimately present applicant has committed murder of deceased.

During investigation, statement of mother of the deceased is also recorded. Said statement is on the same line as that of the F.I.R.

6. Investigating Officer has already recorded statement of Ajit, son of the deceased. His statement would reveal that on 22/04/2015 till 12.00 p.m. [in night] he was watching cricket match on T.V. Thereafter, he stated that his father, present applicant, was taking sleep. According to his statement, at 4.00 a.m. due to commotion made by the live-stock, his sleep was disturbed. That time he noticed that his father was taking sleep. They went towards cattle shed. Thereafter, they noticed some burnt grass, etc. According to Ajit, deceased was suffering from serious problem of platelets and for that she was taking medical treatment from the Doctors.

7. There is no eye witness account in the prosecution case. Except uncorroborated statement of the first informant and his mother that the present applicant was having illicit relation with somebody, there is no other incriminating evidence. With such feeble evidence, personal liberty of the applicant can not be curtailed, especially when the investigation is over and charge sheet is filed. That leads me to pass the following order.

- (i) Present Criminal Application is hereby allowed.
- (ii) Applicant Bajirao Ramhari Zolekar be released on bail in connection with Crime No. 45/2015 registered with Akole Taluka police station, District Ahmednagar for the offence punishable u/s 302 of the Indian Penal Code on he executing P.R. Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] with one solvent surety of like amount. Bail before the trial court.
- (iii) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]