

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6484 OF 2014

Bharat s/o. Gorakhnath Bodhak **....Applicant.**

Versus

State of Maharashtra **....Respondent.**

Mr. A.D. Kasliwal, Advocate for applicant.

Mr. M.M. Nerlikar, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 5th January, 2015.

ORDER :

1. The application is filed for bail. Both the sides are heard. The previous application bearing No. 4146/2014 filed by the present applicant was withdrawn by the applicant. It can be said that this Court had expressed that the Court was not inclined to grant bail and so, the application of the present applicant was withdrawn on 19.8.2014.

2. The learned counsel for the applicant submitted that there has been change in the circumstances. He submitted that C.A. report is received and C.A. report does not show that any poison was detected in viscera. He submitted that no final

opinion regarding cause of death is obtained from the doctor who conducted the P.M. examination by the State. He submitted that the case has not made any progress and the applicant has been behind bars since May 2014.

3. Chargesheet is filed for offences punishable under sections 498-A, 306, 34 etc. of I.P.C. The death took place after nine years of the marriage and the applicant is husband of the deceased. The deceased committed suicide probably by consuming poison. The prosecution would be relying on so called oral disclosures made by the deceased to her relatives from parents side. This Court has called the report of Presiding Officer to ascertain as to why no progress is made in the matter. This Court has considered the report. It appears that on many occasions the accused were not brought from jail and case could not make progress. The defence counsel had given say on the application filed under section 294 of Cr.P.C. and the defence has already admitted some documents. No blame is put by the Presiding Officer on accused for not making progress of the matter. In view of these circumstances, this Court holds that it is not desirable to keep the applicant behind bars till the disposal of the case.

4. The application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 15,000/- (Rupees fifteen thousand). He is not to tamper with the prosecution witnesses.

[T.V. NALAWADE, J.]

ssc/