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

CRIMINAL APPLICATION NO. 3888 OF 2016

1. Yogesh s/o Jagannath Barhate
2. Jagannath s/o Bhimraj Barhate
3. Archana @ Kavita w/o Yogesh Barhate
4. Usha w/o Jagannath Barahate ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr V. R. Dhorde, Advocate for applicants;
Mr S. Y. Mahajan, Addl. Public Prosecutor for respondent;
Mr S. A. Gaikwad, Advocate holding for Mr V. B. Jogdand Patil, Advocate
for complainant

**WITH
CRIMINAL APPLICATION NO. 4203 OF 2016
IN
CRIMINAL APPLICATION NO. 3888 OF 2016**

Bhagubai w/o Rajaram Gaikwad ..APPLICANT
(Complainant)

VERSUS

Yogesh s/o Jagannath Barahate & anr. ..RESPONDENTS

Mr S. A. Gaikwad, Advocate holding for Mr V. B. Jogdand Patil, Advocate
for applicant;
Mr V. R. Dhorde, Advocate for respondent-accused;
Mr S. Y. Mahajan, Addl. Public Prosecutor for respondent No. 2

CORAM : N.W. SAMBRE, J.

DATE : 27th July, 2016

ORDER :

For the reasons stated in the application No. 4203 of 2016 seeking
permission to assist the learned Additional Public Prosecutor, in the

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conduct of regular bail application filed by respondents - accused, same stands allowed.

2. Deceased Krishna married to the daughter of the complainant Bhagubai, who was found to be floating in the well on 12th June, 2016, whereas his wife Jayshree claimed to have been murdered by the applicant No. 3 Archana alongwith her in-laws on 7th June, 2016, resulting into registration of Crime No. 158 of 2016 with Shillegaon Police Station, Tq. Gangapur, Dist. Aurangabad for the offences punishable under Sections 302, 498-A read with Section 34 of the Indian Penal Code, in which bail application is moved.

3. Heard Mr Dhorde, learned Counsel appearing on behalf of the applicants and learned Additional Public Prosecutor, who is assisted by Mr Gaikwad, learned Counsel appearing on behalf of the complainant.

4. The applicant No. 3 Archana was sister-in-law of the deceased Jayshree, whereas applicant No. 1 Yogesh is her husband and applicant Nos. 2 and 4 are father-in-law and mother-in-law of applicant No. 3 Archana.

5. The prosecution case is that the applicants have committed murder of deceased Jayshree, daughter of complainant.

6. The applicant Nos. 1 and 2 were arrested on 9th June, 2016 and the

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applicant Nos. 3 and 4 were arrested on 13th June, 2016.

7. Learned Counsel for the applicants would then submit that taking cumulative effect of the incident, at the most, incident could be termed as suicide and not a murder. He would then submit that the brother of applicant No. 3 Archana also lost his life as he committed suicide by drowning because of shock of death of his wife.

8. Learned Additional Public Prosecutor opposed the application and submits that there is sufficient material available on record to connect the applicants in crime in question.

9. Mr Gaikwad, learned Counsel appearing on behalf of the complainant strenuously opposed the application for grant of bail.

10. Perused the entire record. It is required to be noted that the applicant No. 2 Jagannath and applicant No. 4 Usha are aged about 60 and 50 respectively, who are already behind bars for a period more than a month. Applicant No. 3 Archana, who lost her brother claimed to be residing with applicant No. 1, her husband at the place other than the place of resident of victim. In addition, custodial interrogation of the applicants is already over. In my opinion, there is hardly any incriminating material on record to connect the applicants in crime in question.

11. It is brought to my notice by the learned Additional Public Prosecutor

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that there were five injuries which were noticed to have been caused by sharp weapon. In my opinion, the said injuries could be attributed to her husband, who has subsequently committed suicide. There is no direct role attributed to the applicants for assault.

12. In the above background, in my opinion, the applicants are entitled to be released on bail. Hence, I pass following order:

The applicants be released on bail, in connection with Crime No. 158 of 2016 registered with Shillegaon Police Station, Tq. Gangapur, Dist. Aurangabad for the offences punishable under Sections 302, 498-A read with Section 34 of the Indian Penal Code, on each of them furnishing P.R. Bond of Rs 15,000/- with one surety in the like amount.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

sjk