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

CRIMINAL APPLICATION NO.5544 OF 2015

Kashinath s/o Shridhar Dongare
and anr.

..APPLICANTS

VERSUS

The State of Maharashtra

..RESPONDENT

Mr A.N. Nagargoje, Advocate for applicants;
Mr M.M. Nerlikar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 6th January, 2016

ORDER :

By the present application, the applicants seek their enlargement on bail, in connection with C.R. No.I-61 of 2015, registered with Jamkhed police station, for offences punishable under sections 302, 201 and 120-B of the Indian Penal Code.

2. Mr Nagargoje, learned Counsel appearing on behalf of the applicants does not press the application in respect of applicant no.1 Kashinath s/o Shridhar Dongare, the husband of deceased Mahananda. Thus, the application, to the extent of applicant no.1, stands dismissed as withdrawn.

3. Learned Counsel appearing on behalf of the applicants, while trying to make out a case for grant of regular bail, would urge that Mahananda,

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who was wife of applicant no.1 and applicant no.2 was the brother-in-law, died a homicidal death.

4. It is the case of applicant no.2 that he is falsely implicated in the crime in question, as deceased Mahananda was admittedly having illicit relations with one Govind, who happened to be in the village on the day on which deceased Mahananda disappeared. According to him, the said angle is not investigated into. He then would urge that further detention of applicant no.2 is not necessary, as the investigation in the matter is complete and charge-sheet is already filed.

5. While opposing the application, learned Addl. Public Prosecutor has invited my attention to the statements of witnesses, which speak of illicit relations between deceased Mahananda and Govind. According to him, there is a discovery at the behest of the accused and two wheeler used in commission of the crime, for transporting the dead body of Mahananda was seized at the behest of the applicant. It is further claimed by the prosecution that there is strong *prima facie* evidence, as the deceased Mahananda was last seen in the company of applicant no.2.

6. Having bestowed my anxious thought to the submissions made, it is, no doubt, true that the investigation depicts illicit relations between deceased Mahananda and Govind, however, said angle is not investigated into. Apart from above, the fact remains that the deceased Mahananda, being wife of applicant no.1, cannot be considered to be last seen in the

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company of applicant no.2, who happened to be her brother-in-law. Since the investigation in the matter is complete and father and mother of applicant no.2 are already released on bail, in my opinion, it will be appropriate to allow the application to the extent of applicant no.2. I, therefore, pass following order :-

Applicant no.2 Tatyrao @ Somnath s/o Shridhar Dongare be released on bail, in connection with C.R. No.I-61 of 2015, registered with Jamkhed police station, for offences punishable under sections 302, 201 and 120-B of the Indian Penal Code, on furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj