

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

914 CRIMINAL APPLICATION NO. 1671 OF 2017

VAIBHAV BALU MENDHE
VERSUS
THE STATE OF MAHARASHTRA

Shri. N.C. Garud, Advocate, for applicant.

Shri. S.W. Munde, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 18 April 2017

ORDER:

1) The application is filed for bail. Both the sides are heard. A statement was made that this is the first application filed by the present applicant for bail in this Court. Papers of investigation were made available. Charge-sheet is already filed.

2) The crime is registered on the basis of report given by Ramdas Yeole. Deceased Babaji Mendhe was husband of his sister. He was addicted to liquor. Deceased

used to remain in the company of Balu Mendhe of their village. On 27-6-2016 at about 9.00 a.m. the deceased left home with Balu Mendhe by saying that they were proceeding to Alkuti. After that the complainant had not seen Babaji. The material collected shows that on the same day at about 12.00 noon the owner of Janseva Hotel had seen Vaibhav Mendhe, present applicant in the company Babaji. He had noticed that Babaji was already drunk. Present applicant made him to drink more liquor. He had seen that quarrel had taken place between Akash Kshirsagar and Babaji. He had seen Akash Kshirsagar taking Babaji with him on his motor cycle towards petrol pump. There are statements of witnesses like Somnath Gadge to the effect that he had seen quarrel which had taken place between Babaji Mendhe and Akash Kshirsagar. He had seen the applicant on one motor cycle and somebody was present on the pillion seat of his motor cycle and that was after 12.15 p.m. This was the last time when somebody had seen Babaji alive. Thus it can be said that the material collected is as against Akash Kshirsagar. There is allegation against present applicant who is son of Babaji that he was frustrated due to spending by Babaji on

liquor. Family members of Babaji were feeling that Babaji was spending on liquor and other things only due to Balu Mendhe and that was the motive to finish Babaji. Balu Mendhe had got Rs. Four lakh as compensation and he was spending this amount for liquor and used to remain in the company of Babaji.

3) The dead body of Babaji was found on the next day and it appears that somebody had strangled him by using shirt. Most of the material collected is against Akash though the material on motive is collected as against present applicant. Though section 120-B of the Indian Penal Code is used in the charge sheet, the aforesaid material speaks loud about the material available for proving conspiracy under section 120-B of the Indian Penal Code. The applicant is behind the bars since 29-6-2016. It is not certain as to how much time will be required for disposal of the case. This Court holds that it is not desirable to keep the applicant behind the bars till disposal of the case in view of nature of material available against him.

4) In the result, the application is allowed. The applicant is to be released on bail in Crime No.I-162/2016 registered in Parner Police Station, District Ahmednagar for offence punishable under sections 302, 120-B read with 34 Indian Penal Code on his furnishing Personal Bond of Rs.15,000/- (Rupees fifteen thousand) with one solvent surety in the like amount. He is not to tamper with prosecution witnesses. He is not to commit similar offences. He is not to enter the village Kalas, Tahsil Parner, District Ahmednagar till disposal of the case.

Sd/-
(T.V. NALAWADE, J.)

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