

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

BAIL APPLICATION NO.1292 OF 2020

1. Taterao Namdeo Navgire
2. Sumit Taterao Navgire
3. Amol Taterao Navgire ... APPLICANTS

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Mr. Shaikh Ashraf Patel, Advocate holding for
Mr. A.P. Avhad, Advocate for applicants
Mr. R.B. Bagal, A.G.P. for State
.....

CORAM: R.G. AVACHAT, J.
(Vacation Court)

DATED : 11th NOVEMBER, 2020.

ORDER :

This is an application for bail. The applicants have been arrested in connection with C.R. No.424/2020, registered with Karmad Police Station, Aurangabad for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code.

2. Heard learned counsel for the applicants and learned

A.P.P. for the State. Perused the First Information Report (F.I.R.) and papers of investigation so far made.

3. The F.I.R. has been lodged by brother of deceased – Mayabai. Applicant No.1 was the husband while applicant No.2 was the son of deceased Mayabai. Applicant No.3 was her step son. It is alleged in the F.I.R. that applicant No.1 was previously married. There is, however, no mention in the F.I.R. whether deceased Mayabai married applicant No.1 during subsistence of his first marriage. It is averred in the F.I.R. that, late Mayabai had married applicant No.1 about 20 years back. It was noticed that, late Mayabai was in telephonic contact with one Jagu Navgire, residing in the same village. The applicant had, therefore, reasoned with her. She, however, continued to keep contact with Jagu Navgire. It is alleged that, the applicants would assault deceased Mayabai, suspecting her character. Applicant No.3 had brought Mayabai to the informant's house a few days before, so as to ensure there would not be any quarrel between the applicants and her. After a stay of 7 – 8 days, she again went to her marital home. On 9/10/2020, the informant learnt that Mayabai fell in a well and passed away. The informant, therefore, lodged the F.I.R., alleging the applicants to have abetted commission of suicide by Mayabai.

4. Learned A.P.P. would submit that, investigation is in progress. The applicants harassed and ill-treated Mayabai. He, therefore, urged for rejection of the application.

5. The applicant No.1 is 62 years of age. The applicant No.3 is of 19. While applicant No.2 is 27 years of age. Deceased did not leave behind any suicide note. Post mortem report indicates, she died of drowning. Nature of evidence is oral one - i.e. allegations in the F.I.R. The applicants have been behind the bars for little over one month.

6. Considering the nature of offence, it is not desirable to keep them behind the bars. Pre-trial detention appears to be unwarranted in the facts and circumstances of the case. One of the applicant is even a real son of the deceased. I am, therefore, inclined to grant the application. Hence the order :

ORDER

The application is allowed. The applicants be released on bail in connection with C.R. No.424/2020, registered with Karmad Police Station, Aurangabad for the offence

punishable under Section 306 read with Section 34 of the Indian Penal Code on their executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount.

The applicants shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

fmp/-