

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

936 BAIL APPLICATION NO.1334 OF 2020

ASHOK S/O. RAMA GADE
VERSUS
THE STATE OF MAHARASHTRA

WITH

CRIMINAL APPLICATION NO.2160 OF 2020
IN BA/1334/2020

CHHAGAN S/O. SOPAN TODKAR
VERSUS
ASHOK S/O RAMA GADE AND ANOTHER

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Advocate for Applicant : Mr. Thombre S. S.
APP for Respondent-State : Mr. A. A. Jagatkar.
Advocate for Informant to assist APP : Mr. S. E. Shekade.

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CORAM : V. K. JADHAV, J.
DATE : 03.12.2020

PER COURT :-

1. Heard learned counsel Mr. S. E. Shekade for the applicant in Criminal Application No.2160 of 2020. For the reasons stated in the application, Criminal Application is allowed in terms of prayer clause "A". Criminal application accordingly disposed off.

2. The applicant is seeking regular bail in connection with Crime No.232 of 2020 registered with Amalner Police Station, District Beed for the offences punishable under Sections 302, 201 read with Section 34 of IPC. His application with similar prayer bearing Misc. Criminal Application No.707 of 2020 came to be rejected by the learned Additional Sessions Judge, Beed.

3. The learned counsel for the applicant submits that the present applicant is the father-in-law of the deceased. As per the prosecution story, the co-accused Umesh, the husband of the deceased was suspecting about the character of his wife - deceased. The learned counsel submits that as per the report submitted by the Investigating Officer to the Magistrate, the allegations have been made mainly against the co-accused Umesh that co-accused Umesh has committed the murder of his wife by constricting her neck with the help of saree and so far as the present applicant is concerned, it has been revealed during the course of investigation that he has suppressed the information with the intention of screening his son co-accused Umesh from the legal punishment. The learned counsel submits that the applicant is in jail in connection with the

present crime since 03.10.2020. There is no question of tampering with the prosecution evidence. The applicant has his roots in the society. He is easily available for trial. The applicant may be released on bail.

4. The learned APP assisted by Advocate Mr. S. E. Shekade has strongly resisted the application on the ground that deceased got married with co-accused Umesh on 16.08.2020 and less than two months she died homicidal death in her matrimonial home. There are specific allegations in the complaint that the husband of deceased co-accused Umesh was suspecting about her character. The learned APP submits that the present applicant has mislead the informant and the other relatives by falsely informing them about missing of the deceased. Even when the villagers started searching the deceased in the vicinity, the applicant did not allow them to go to the well, in which the dead body of the deceased was found, under the pretext that he had already searched in the well. The learned APP submits that the investigation is still in progress. The applicant may not be released on bail.

5. On going through the allegations made in the complaint and on perusal of the investigation papers, it appears that the allegations have been made mainly against co-accused Umesh, who happened to be the husband of the deceased about commission of the murder. It further appears that during the course of investigation, the article saree used for constriction of neck of the deceased came to be recovered at the instance of co-accused Umesh by drawing the panchnama under Section 27 of the Evidence Act. It has been revealed during investigation that the applicant has suppressed material information with an intention of screening his son co-accused Umesh from legal punishment and thus allegedly committed the offence punishable under Section 201 of IPC.

6. It appears from the investigation papers that on the day of incident itself, co-accused Umesh, who was suspecting about the character of the deceased, specifically inquired with the deceased as to how she was not getting the menstrual period since marriage and the deceased had avoided to answer the said question. Therefore co-accused Umesh got annoyed. It thus appears that so far as the commission of murder of the

deceased, the allegations have been made mainly against co-accused Umesh. In view of the same, the further detention of the applicant in jail is unwarranted and uncalled for. Thus, considering the entire aspect of the case, I am inclined to release the applicant on bail. There is no possibility of tampering with the prosecution evidence. Co-accused Umesh is behind the bars. Hence, I proceed to pass the following order.

ORDER

1. The application is hereby allowed.
2. The applicant ASHOK S/O. RAMA GADE in connection with Crime No.232 of 2020 registered with Amalner Police Station, District Beed for the offences punishable under Sections 302, 201 read with Section 34 of IPC, be released on bail on furnishing P.B. of Rs.20,000/- (Rupees Fifteen Thousand only) with one solvent surety of the like amount on the following conditions :-
 - a] The applicant shall not tamper with the prosecution evidence in any manner.
 - b] The applicant shall attend the concerned police station once in a week i.e. on every Sunday

between 8.00 to 11.00 a.m. till filing of the charge-sheet.

3. Application is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-