

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 BAIL APPLICATION NO.1448 OF 2020

BALU LIMBAJI SONAWANE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Deshmukh Himmatsinh D
APP for Respondent: Mr. S.P. Deshmukh
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CORAM : V. K. JADHAV, J.
DATED : 18th DECEMBER, 2020

PER COURT:-

1. The applicant is seeking bail in connection with crime No. 520 of 2020 registered with Bhokardan police station, District Jalna for the offences punishable under Sections 306, 323, 504 and 34 of I.P.C. His Criminal Misc. Petition (Bail) bearing No. 1583 of 2020 with similar prayer came to be rejected by the learned Additional Sessions Judge-2, Jalna vide order dated 23.11.2020.

2. Learned counsel for the applicant submits that the applicant is in jail in connection with the present crime since 8.11.2020. The investigation is over for all practical purposes and the formality of filing charge sheet is only remained. Learned counsel submits that the marriage of the applicant with deceased was solemnized 13 years back and the couple was blessed with three daughters and one son. Though the applicant and deceased had one son, the allegations have been made in the complaint that deceased was

subjected to ill-treatment as she was not giving birth to the male child. Learned counsel submits that after the incident, the applicant himself took the deceased to the hospital. Learned counsel submits that co-accused mother-in-law is released on anticipatory bail. The applicant is ready to abide the conditions, if any, imposed by this Court while enlarging him on bail. The applicant may be released on bail.

3. Learned A.P.P. has strongly resisted the application on the ground that the investigation is in progress. There are specific allegations against the applicant. The applicant used to ill-treat and beat the deceased on the count that she has given birth to three female child. Learned A.P.P. submits that prima facie there is strong case against the applicant. The applicant may not be released on bail.

4. On going through the allegations made in the complaint and on perusal of investigation papers, it appears that the marriage between the applicant and deceased was performed 13 years back and the couple was blessed with three daughters and one son. Even though the couple was blessed with a son, the allegations have been made to the effect that deceased was subjected to ill-treatment for the reason that she had given birth to three female child only. Though there are general allegations made against the applicant however, no specific instances are quoted. It is difficult to believe that for 13 years

and even after birth of three daughters and one son, deceased was subjected to ill-treatment by the applicant. Thus, considering the entire aspects of the case, I am inclined to grant bail to applicant on certain conditions. Hence the following order:-

O R D E R

- I. Application is hereby allowed.
- II. The applicant Balu Limbaji Sonawane, in connection with crime No. 520 of 2020 registered with Bhokardan police station, District Jalna for the offences punishable under Sections 306, 323, 504 and 34 of I.P.C. be released on bail on furnishing personal bond of Rs.15,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence in any manner.
 - b) The applicant shall make himself available as and when required by the investigating officer in carrying out further investigation into the crime, if any.
- III. Application is disposed of.

(V. K. JADHAV, J.)

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