

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO. 424 OF 2021

Madhukar Namdeo Lonkar

Applicant

Versus

The State of Maharashtra

Respondent

Mr. Z.H. Farooqui, Advocate holding for Mr. N.V. Gaware, Advocate for the applicant.

Mr. S.W. Munde, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 27th October, 2021.

PER COURT :

1. Heard.

2. Allegations against the applicant are that the deceased was the son-in-law of the applicant. It is further alleged that the deceased was on cross terms with the applicant. The wife of the deceased (applicant's daughter) and the deceased had obtained divorce about one year before the incident. It is alleged that the applicant was nurturing grudge against the deceased on account of the harassment to which his daughter was subjected to by the accused.

3. The body of the deceased was found in a well near

Changefal. When the body was fished out, it was found that all the four limbs of the body were tied. In the pocket of pant of the deceased a chit wrapped in a polythene bag was found. The contents of the said chit were that the deceased was committing suicide because of his own problems and nobody should be held responsible for the same. That aroused suspicion as apparently, it did not appear to be a suicide. Rather it appeared to be a homicide.

4. The dead body was found on 2nd November, 2020. Father of the deceased lodged First Information Report on 3rd November, 2020. Contents of the First Information Report indicate that the deceased and the applicant were on cross terms and, therefore, to take revenge, the applicant eliminated the deceased.

5. Shri Farooqui, learned counsel for the applicant submits that the deceased himself had criminal antecedents. Only one witness says that the deceased was not on good terms with the applicant and the deceased feared that he would be done away with. The deceased had expressed apprehension to this witness that in that eventuality, applicant should be held responsible. He further submits that the condition of the dead body shows that it was not a

job of one person. He further contends that the another accused has been released on bail on the plea of *alibi*.

6. Learned APP Shri Munde submits that the witness has categorically stated that the deceased had expressed apprehension that the applicant would kill the deceased because of the discord between him and his wife. He further submits that the deceased had expressed that if this happens, applicant should be held responsible.

7. Charge-sheet is filed. It is not in dispute that another accused is released on bail. The condition in which the dead body was found reveals that it cannot be a job of one person. The hands and legs of the dead body were tied. It did not have any other injury.

8. Applicant is arrested only on suspicion. There is no cogent evidence to connect the applicant with the offence. Learned APP submits that the applicant produced a chappal, one liquor bottle and one piece of goggles. Evidentiary value of it can be ascertained only during trial. Moreover, the deceased himself had criminal antecedents which means that there were persons who were not on good terms with him. Therefore, possibility of any other person

committing the crime cannot be ruled out. Applicant has no criminal antecedents. He has fixed place of residence. In this view of the matter, I am inclined to release the applicant on bail. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs.15,000/- (Rs. Fifteen Thousand) with one solvent surety in the like amount, in connection with Crime No. 70/2020 registered with Narsi Police Station, Hingoli for the offences punishable under Section 302, 201, 120B read with Section 34 of the Indian Penal Code.
- iii) Application is disposed of.
- iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M. G. SEWLIKAR)
Judge