

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

943 BAIL APPLICATION NO.557 OF 2021

NITIN MOTIRAM PAWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. S.J. Salunke h/f. Thorat R. D.
APP for Respondents/State : Mrs V.S. Choudhary
...

CORAM : M.G. SEWLIKAR, J.
DATE : 01.07.2021

PC.:-

By this application under Section 439 of the Cr.P.C., applicant is seeking bail in connection with Crime No. 418 of 2020 registered with Pachora Police Station, District Jalgaon under Section 302, 498-A of the I.P.C.

2. The applicant is the police constable. The deceased was a Talathi. The applicant was placed under suspension on account of commission of offence punishable under Section 376 of the I.P.C. In the year 2017 the applicant and the deceased-Aruna tied a nuptial knot. The applicant was suspended in the month of December-2019 since then he was living with the deceased. The applicant used to suspect chastity of the deceased. The deceased being a Talathi used to frequently receive calls. On that count the

applicant started doubting her character and on that count used to beat her. It is also alleged that the deceased was beaten by the applicant at Bhusawal in the presence of the informant (the mother of the deceased), son-Bhagwat and daughter in law of the informant by the name of Sindhubai. On 29th November, 2020 at 5.00 pm an unknown person called the informant from the cell phone of the deceased informing her that deceased-Aruna had sustained head injury and she was admitted in the hospital. On the way to Pachora cousin of Sindhubai informed the informant telephonically that the deceased died of head injury due to a fall from the staircase. On these allegations FIR came to be lodged on 30th November, 2020 by the informant, the mother of the deceased.

3. Heard Shri Salunke learned counsel for the applicant and Smt V.S. Choudhary learned APP for the State.

4. Shri Salunke submitted that the deceased died as she slipped and fell from the staircase. He submitted that steps of the staircase had the blood stains. He further submitted that the statements of the neighbours of the applicant show that the deceased was not ill-treated by the applicant. He submitted that witness-Samadhan Patil has stated that he and the applicant admitted the deceased in the hospital. He submitted that all these circumstances indicate that the deceased fell from the staircase. He therefore

requested that the applicant be released on bail.

5. Smt Chaudhary submitted that the deceased had no injuries on her body. If she had fallen from the staircase she would have sustained at least abrasions. She further submitted that the blood stains were there in the other room of the house of the applicant also. This clearly shows that the deceased was beaten by the applicant. She further submitted that the applicant had given extra judicial confession to the daughter in law of the informant in which he has admitted to have delivered a blow of Tommy on the head of the deceased because of which the deceased sustained head injury. She submitted that all these circumstances clearly indicate that the deceased met a homicidal death. She submitted that the applicant has criminal antecedents. In such circumstances, the applicant does not deserve to be released on bail.

6. On perusal of the spot panchanama it is seen that the house of the applicant is two storyed, there were blood stains on the 19th and 20th steps. On step nos.21 and 22 also there were blood stains. Statement of Samadhan Patil was recorded. His statement show that the applicant had called the said Samadhan and told him that the deceased had fallen from staircase and she was required to be admitted into the hospital. Samadhan brought an auto rickshaw and both of them shifted the deceased to the hospital in the said

auto rickshaw.

7. So far as extra judicial confession alleged to be given to Sindhubai is concerned it does not find place in the FIR. Weapon of offence is not recovered at the instance of the applicant. During house search one Tommy and iron rod were recovered. Having regard to the nature of evidence collected by the prosecution, I am inclined to release the applicant on bail. In view of this following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.75,000/- with one solvent surety in the like amount, in connection with Crime No.418 of 2020 under Section 302, 498-A of the I.P.C. registered with Pachora Police Station, District Jalgaon (Sessions Case No. 48 of 2021 pending before the Additional Sessions Judge, Jalgaon.)

[M.G. SEWLIKAR, J.]