

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

910 BAIL APPLICATION NO.994 OF 2021

**NAGORAO GYANOBA GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA**

Smt. Rashmi Kulkarni, Advocate h/f Shri. G. R. Ingole,
Advocate for the applicant
Shri. N. T. Bhagat, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.
DATED : 25th NOVEMBER, 2021**

PER COURT :-

1. Heard.
2. The deceased was the daughter of the informant. Accused Gyanoba Gaikwad is the husband of the deceased. Applicant is the father-in-law of the deceased. On 31st March, 2021, informant got a message from one Bablu that the deceased committed suicide by hanging. On conducting post-mortem it was revealed that the deceased died of strangulation. It is alleged in the FIR that the deceased was killed by all the accused including applicant as their unlawful demand was not met. Upon the report of the informant offence under Sections 302, 498A, 201 read with Section 34

of the Indian Penal Code vide Crime No. 97 of 2021 came to be registered against the applicant.

3. Learned counsel Smt. Kulkarni submits that the applicant was not present at the spot of the incident when the deceased was allegedly strangled. All the witnesses including the independent witnesses state that accused Gyanoba Gaikwad who is the husband of the deceased, alone was present in the house. Some of the witnesses state that husband was at the temple and her brother-in-law Girish Gaikwad came to the spot.

4. Learned APP Shri. Bhagat for the respondent/ State submits that statement of informant shows that when he reached the spot of the incident the deceased was lying on a cot and no one from the accused was present in the house. He submits that this itself indicates that applicant is also involved in the commission of murder of the deceased.

5. Charge-sheet is filed. On perusal of the entire charge-sheet, it appears that all the witnesses have stated

that husband alone was at the house. Prosecution could not bring any evidence on record to show that applicant was there at the scene of offence at the time of commission of offence. In this view of the matter, I am inclined to release the applicant on bail. Applicant has no criminal antecedents. There is nothing on record to indicate that applicant will not be available for trial. In view of this, following order is passed.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount in connection with CR No. 97 of 2021 for the offence under Sections 302, 498A, 201 read with Section 34 of the Indian Penal Code registered with Kandhar Police Station, Nanded.
3. Application is disposed of.

[M. G. SEWLIKAR, J.]

ssp