

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

52 BAIL APPLICATION NO.1228 OF 2021

1. TUKARAM GUNDU HAKE
2. BHAURAO TUKARAM HAKE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. More P. P.
APP for Respondents/State : Mr. P.G. Borade
...

CORAM : M.G. SEWLIKAR, J.
DATE : 20th October, 2021

PC.:-

Heard.

2. Learned counsel Shri More submits that the deceased was the husband of Balika. Balika is the daughter of applicant no.1 and sister of applicant no.2. The deceased and Balika developed marital discord owing to which applicants had taken back Balika. She was brought back. On 05.05.2021, again there was a quarrel between Balika and the deceased Sidhu. At 3.00 pm applicant nos.1 and 2 came there by Pick Up van no.MH-13-AN-4239 and took back Balika at about 3.15 to 3.30 pm. At about 300 feet the informant who is the father of deceased along with the deceased was waiting to convince applicants. The deceased had put some stones on the

road to stop the Pick Up van. The informant and the deceased tried to stop the Pick Up van but applicants and driver Ramesh Hake did not pay any heed to it. They gave dash to the deceased. Thereafter, the deceased was taken to the hospital. During treatment the deceased died.

3. Learned counsel Shri More for the applicant submits that it was an accident. He further submits that applicant no.1 is the father in law of the deceased and applicant no.2 is the brother in law of the deceased. There was some marital discord between the applicant and the deceased. He submits that the father in law cannot have any motive to kill his son in law i.e. the deceased. It was a sheer accident.

4. Learned APP Shri Borade submits that applicant nos.1 and 2 did not stop the vehicle. They ran away from the spot of the incident. This shows that they had intention to commit the murder of the deceased.

5. Charge-sheet is filed. So far as applicants are concerned, they were the occupants of the Pick Up van. Pick Up van was being driven by Ramesh Hake. It is an admitted position that none of the applicants was driving the Pick Up van. They did not cause the death of the deceased. Having regard to the relations between the applicants and the deceased and that the applicants have no criminal antecedents, I am inclined to release the

applicants on bail. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicants be released on PR bond of Rs.25,000/- each with one solvent surety in the like amount each, in connection with Crime No.148 of 2021 under Section 302 read with Section 34 of the I.P.C. registered with Naldurg Police Station, District Osmanabad.
- III) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]