

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

939 BAIL APPLICATION NO.125 OF 2022

**GANESH SHIVAJI MANE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. More P. P.
APP for Respondents/State : Mr. G.O. Wattamwar
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 16th February, 2022**

PC.:-

By this application under Section 439 of the Cr.P.C. the applicant is seeking his enlargement on bail in connection with Crime No. 147/2021 registered with Nilanga Police Station, District Latur under Section 302, 504, 506 read with Section 34 of the I.P.C.

2. Prosecution case in brief is that the applicant is the son of the informant. The deceased was the mother of the informant. The wife and the son of the informant did not get along well with the mother of the informant. The applicant and the informant, despite being son and father are not on good terms with each other. On 4th June, 2021 at 6.00 am to 6.30 am the applicant picked up a quarrel with the informant. The deceased tried to convince the applicant. At that time applicant and her son quarreled with the deceased and

threatened her to kill. At 9.00 am the applicant and his mother went away on motorcycle.

3. At 2.30 pm one Yogesh Mule telephonically informed the informant about the death of mother of the informant. The informant immediately reached the house. The deceased was lying on the floor in injured condition. On inquiry, the informant came to know that the applicant and his mother had been to the house at 10.30 am. They had an altercation with the deceased and at 11.45 am applicant and his mother seemed to have left the house of the informant. On suspicion, applicant and his mother were arrested.

4. Learned counsel Shri More for the applicant submits that the applicant and her son are living in the same house but in different rooms. He submits that the applicant and his mother were on good terms with the deceased. Applicant is not on good terms with the informant. Applicant had no motive to kill the deceased. Except the statements of the witnesses that at 10.30 am, the applicant and her son were seen in the company of the deceased, there is nothing on record to show that the applicant had any role to play in the alleged murder of the deceased.

5. Charge-sheet is filed. Post mortem report shows that deceased

did not have any injury on the vital part of the body. Applicant and the deceased were living under the same roof but in different rooms. Nothing has been brought on record to show that applicant and the deceased were on bad terms. Therefore, applicant had no motive to kill the deceased. From the FIR, it appears that at 10.30 am, applicant had left the house along with her mother on motorcycle. It appears from the statement of the witnesses he was back at 11.45 am and again went away. At 2.30 pm the deceased was found dead. There is no evidence on record to show that they heard screams of the deceased. The applicant has no criminal antecedents. He has permanent residence at Umerga (H), Tq. Nilanga, District Latur. In view of this, I am inclined to release the applicant on bail. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.15,000/- with one solvent surety in the like amount, in connection with Crime No.147/2021 under Section 302, 504, 506 read with Section 34 of the I.P.C. with Nilanga Police Station, District Latur.
- 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.