

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

BAIL APPLICATION NO. 174 OF 2022

**SIDHARTH AJAY LUNKAD
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. S.S. Thombre
APP for Respondents/State : Mr. S.B. Narwade
...

**CORAM : M.G. SEWLIKAR, J.
RESERVED ON : 31st March, 2022
PRONOUNCED ON : 8th April, 2022**

ORDER:-

By this application applicant is seeking his enlargement on bail in connection with Crime No. 182/2021 registered with Parli City Police Station, District Beed under Section 302 of the I.P.C.

2. Facts in brief are that informant is the Police Constable at Parli City Police Station. Deceased-Ajay was the father of the applicant. Applicant noticed that deceased committed suicide. Therefore, intimation was given to the police station on the basis of which A.D. was registered. During investigation of the A.D., *post mortem* report was received. P.M. report mentioned the cause of death as death due to strangulation. During investigation it was found that applicant was alone with the deceased in the

house and he was responsible for the murder of the deceased. During investigation it transpired that out of anger and hatred applicant strangled deceased when deceased was sleeping. On these allegations FIR came to be lodged.

3 Heard Shri Thombre learned counsel for the applicant and Shri Narwade learned APP for the State.

4. Learned counsel Shri Thombre submitted that applicant was not present in the house at the time of the incident. He further submitted that applicant was not at the house as he had gone to drop his mother in the market. When he came back he informed his mother on phone about the suicide of the deceased. He submitted that applicant is a student. Absolutely, there is no motive for the murder of the deceased by the applicant. He, therefore, submitted that if applicant is not released on bail his career will be ruined. He further submitted that deceased committed suicide as he was having multiple ailments and as he was fed up with these ailments deceased ended his life.

5. Learned APP Shri Narwade submitted that applicant committed murder of deceased-Ajay and created a scene of suicide. He submitted that if it had been suicide, in all probability rope ought to have been there on the

fan. But the rope was thrown by the applicant outside the house. He submitted that when one of the witnesses asked the applicant where the rope was, applicant went out of the house and brought the rope and kept it inside the house. He submitted that applicant is guilty of murder. He submitted that motive was extreme anger and hatred of applicant towards the deceased. He further submitted that applicant is the son of Sarla Lunkad and brother of witness-Aniket. If he is released on bail, he would tamper the prosecution evidence.

6. Charge-sheet is filed.

7. It is the prosecution case that out of extreme anger and hatred applicant committed the murder of deceased, when deceased was sleeping. Spot panchanama shows that deceased was lying on the ground. Spot panchanama further shows that there is a double bed. In all probability, if murder had been committed naturally dead body ought to have been on the cot itself. However, dead body was found lying on the floor. The prosecution has seized rope in two pieces. With two pieces of rope, it is difficult to commit murder. The possibility of cutting the rope by the applicant for bringing down the dead body from the fan cannot be ruled out. Moreover, there is no eye witness to the incident. The entire evidence is based on spot panchanama and the P.M. report. Witness-Sarla Lunkad has stated that applicant had dropped

her in the market and when she was about to call another son-Aniket for taking her back to house she received the phone of the applicant mentioning therein that deceased ended his life. Having regard to all these circumstances, I am inclined to release the applicant on bail. He does not have criminal antecedents. He is not likely to flee from justice. In this view of the matter, the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.50,000/- with one solvent surety in the like amount, in connection with Crime No.182/2021 under Section 302 of the I.P.C. with Parli City Police Station, District Beed on condition that he shall not tamper the prosecution evidence.
- 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.]