

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

BAIL APPLICATION NO. 1232 OF 2022

Surekha Arvind Bayas
Age: 35 years, Occu.: Household,
R/o Near Datta Temple, Vishnupuri,
Tq. & Dist. Nanded ..APPLICANT

VERSUS

State of Maharashtra
Through Police Station Officer,
Police Station Nanded (Gramin),
Tq. & Dist. Nanded ..RESPONDENT

**WITH
BAIL APPLICATION NO. 619 OF 2022**

Vaibhav @ Vicky Pramod Mohite
Age: 25 years, Occu.: Labour,
R/o Poha Mill, M.I.D.C. Nanded,
Tq. & Dist. Nanded ..APPLICANT

VERSUS

State of Maharashtra
Through Police Station Nanded Rural,
Tq. & Dist. Nanded ..RESPONDENT

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Mr. Y.V. Kakade, Advocate for applicant in BA/1232/22
Mr. B.N. Gadegaonkar, Advocate for applicant in BA/619/2022
Mr. V.S. Badakh, A.P.P. for respondent - State

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**CORAM : R.G. AVACHAT, J.
DATE : 19th AUGUST, 2022**

PER COURT :

1. Both these applications for bail under Section 439 of Code of Criminal Procedure are being decided by this common order since same are

arising from one and the same crime. The applicants have been arrested in connection with Crime No. 392 of 2021 registered with Nanded Rural Police Station, Dist. Nanded for the offences punishable under Sections 302 and 120-B of the Indian Penal Code.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. Learned A.P.P. has reservation to grant the applications since the offence is serious one.

4. The F.I.R. has been lodged by one Pravin Hambarde, brother of the deceased on 17th June, 2021. The case is based on circumstantial evidence. The deceased was said to have illicit relationship with applicant – Surekha. It is the prosecution case that she was fed up with the relationship since the deceased used to trouble her. She, therefore, decided to eliminate him. Applicant – Vaibhav and other co-accused allegedly strangled the deceased. The postmortem report indicates the deceased died of strangulation and blunt trauma to abdomen.

5. It is reiterated that the case is based on circumstantial evidence. Similarly placed two co-accused have been granted bail. On investigation, charge-sheet has been filed. The applicants have been behind the bars since

June 2021. The trial has not yet commenced. In these facts and circumstances of the case, the Court is inclined to grant the applications.

6. In view of above, the applications deserve to be allowed. Hence I pass the following order :-

ORDER

(I) The bail applications are allowed.

(II) The applicants be released, in connection with Crime No. 392 of 2021 registered with Nanded Rural Police Station, Dist. Nanded for the offences punishable under Sections 302 and 120-B of the Indian Penal Code, on executing PR. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety in the like amount.

(III) The applicants shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD