

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

BAIL APPLICATION NO.1209 OF 2022

1. Vitthal s/o. Shankar Bogulwar,
2. Kashiram s/o. Shankar Ryapanwad ..Applicants

Vs.

The State of Maharashtra ..Respondent

Mr.A.D.Hande, Advocate for applicants
Mr.R.B.Bagul, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : SEPTEMBER 05, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.0079 of 2022 registered with Dharmabad Police Station, Dist.Nanded.

2. Heard learned counsel appearing for the parties.

3. The First Information Report (FIR) has been lodged by the sister of the deceased - Shankar, on 23.03.2022. It has been averred in the FIR that the informant's brother - Shankar was alcoholic. There used to be quarrels between him and his family members. It has also

been averred in the FIR that on the night of 20.03.2022, Bhagyashree, wife of applicant – Vitthal, was fast asleep on the terrace of the house. Her husband was not at home. The deceased went upstairs and slept by her side. On the following morning, Bhagyashree informed the same to her husband, applicant no.1 – Vitthal. It has further been averred that on the following day, i.e. on 21.03.2022 by 07.00 p.m., applicant-Vitthal took his father – Shankar (deceased) on his motor bike. On the next date, the dead body of Shankar was found on the railway track.

4. Learned APP would submit that the applicant – Vitthal and his friend (applicant no.2) have murdered the deceased, since the deceased had molested his daughter-in-law. Applicant – Vitthal has made a disclosure statement, pursuant to which the hammer, allegedly used in killing the deceased, came to be recovered. The same has been sent to C.F.S.L. The report is awaited.

5. The case is based on circumstantial evidence. The dead body of the deceased was found on the railway track. The C.A. report relating to the hammer, allegedly used in killing the deceased, is awaited.

6. The case is based on circumstantial evidence. There is motive for the applicant no.1 to kill his own father, since the deceased had attempted to molest applicant no.1's wife on the previous night. On investigation, the charge sheet has been filed. It will take time for commencement and conclusion of the trial.

7. In view of the above, the Court is inclined to grant the applicant bail. Hence, the following order:-

(i) The application is allowed.

(ii) The applicants be released in connection with Crime No.0079 of 2022 registered with Dharmabad Police Station, Dist.Nanded, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount.

(iii) The applicants shall not tamper with the prosecution evidence in any manner.

(iv) The applicants shall furnish before the trial Court the address of their abode.

[R.G. AVACHAT, J.]

KBP