

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

BAIL APPLICATION NO. 1240 OF 2022

Nanasaheb Kaduba Ghuge	... Applicant
Versus	
The State of Maharashtra	... Respondent
....	
Mr. A. R. Salve, Advocate for applicant	
Mr. A. V. Deshmukh, APP for respondent - State	
....	

CORAM : R. G. AVACHAT, J.

DATED : 23rd AUGUST, 2022

PER COURT :-

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.116/2022, registered at Chikalthana Police Station, District Aurangabad, for the offences punishable under Sections 302, 324, 326, 504 and 506 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and related papers.

The FIR has been lodged by the widow of the deceased on 03.04.2022. It is the case of prosecution that the applicant has murdered his own father on 02.04.2022. The incident was witnessed by the applicant's mother and all the family members and as such, the case is based on direct evidence.

3. The learned APP, therefore, urged for rejection of the application.

4. As per the case of the prosecution, the deceased was alcoholic. He used to harass the family members. On the given day, the applicant had reasoned with his father to discontinue alcoholism. He, however, did not listen. After a while, father came home drunk. The applicant got enraged thereof. He inflicted on the head of the deceased a blow with a hammer. The deceased died on the spot. During investigation, the sisters of the applicant have also given statements against him.

5. It however appears that the informant, subsequently, changed her version and came with a case that the deceased fell due to heavily drunk and thereby received head injury and succumbed thereto. Before this Court, the informant and both the sisters of the applicant have appeared. They urged this Court to grant the applicant

bail. According to the widow of the deceased, the applicant is the only earning member in the family. On investigation, the charge-sheet has been filed. The informant and the eye witnesses appear to have changed their stand. In the circumstances, the Court is inclined to grant the application. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.116/2022, registered at Chikalthana Police Station, District Aurangabad, for the offences punishable under Sections 302, 324, 326, 504 and 506 of the Indian Penal Code, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]