

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

BAIL APPLICATION NO.1294 OF 2022

Bhayala Bhanga Barela

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. A.J. Patil, Advocate for applicant

Mr. A.V. Deshmukh, A.P.P. for respondent – State

.....

CORAM : R. G. AVACHAT, J.

DATE : 14th SEPTEMBER, 2022.

PER COURT :

Heard. 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.269/2021, registered at Raver Police Station, District Jalgaon for the offences punishable under Sections 302, 376, 452 of the Indian Penal Code (Sessions Case No.149/2021).

2. The F.I.R. has been lodged by the father of the deceased on 6/8/2021. The deceased was a 35 year old daughter of the informant. She had married accused No.1 Sadhu. The F.I.R. is based on the information given by the grandson of the informant. As per the case of the

prosecution, the applicant is the friend of co-accused (husband of the deceased). On the given day, all the three namely the applicant, co-accused and his wife consumed liquor. All of them returned to the home of the deceased. The applicant gave co-accused a sum of Rs.120/- to fetch liquor. He went out of the house to fetch the same. On his return, he saw the applicant and the deceased in a compromising position. The co-accused got enraged thereby and, therefore, beat up his wife (deceased) with a stick. The deceased died thereby.

3. As per the case of the prosecution, the applicant has no role in killing the deceased. He is alleged to have committed sexual intercourse with the deceased. The reading between the lines suggests that the act allegedly committed by the applicant was consensual one. The applicant is in jail for little over one year. The trial has not yet commenced. Therefore, I am inclined to grant the applicant bail. Hence the order :

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with

Crime No.269/2021, registered at Raver Police Station, District Jalgaon for the offences punishable under Sections 302, 376, 452 of the Indian Penal Code (Sessions Case No.149/2021) on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

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

(R. G. AVACHAT, J.)

fmp/-