

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

BAIL APPLICATION NO.1375 OF 2022

Avinash s/o. Navnath Gurane	..Applicant
Vs.	
The State of Maharashtra	..Respondent

AND

BAIL APPLICATION NO.1504 OF 2022

Manisha Kishor Sutar	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Ms.Poonam Bodke-Patil, Advocate for applicant in BA No.1375 of 2022
Mr.E.D.Gajile, Advocate for applicant in BA No.1504 of 2022
Mr.A.V.Deshmukh, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : OCTOBER 07, 2022**

ORDER :-

These applications have been filed under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.0366 of 2021 registered with Nilanga Police Station, Dist.Latur, for the offences punishable under Sections 302, 109 and 120-B read with Section 34 of Indian Penal Code.

2. Heard learned counsel appearing for the parties.

3. Learned APP has strongly opposed the application.
4. The FIR has been lodged by the brother of the deceased on 18.12.2021. It is his case that the deceased had been to Solapur to earn his living. Just eight days prior to lodging of the FIR, he had returned from Solapur to the village. During his absence, the applicant - Avinash and the co-accused - Dhanaji would visit his residence frequently. It is also alleged that applicant - Avinash had extra-marital relationship with the wife (applicant - Manisha) of the deceased. On the given day, i.e. on 12.12.2021 by 7.00 p.m., while the deceased had returned home, he saw that the applicant - Avinash and the co-accused - Dhanaji were present at his residence. There was, therefore, quarrel/heated arguments between the deceased and his wife, applicant - Manisha. Thereafter, deceased left home for no return. In the following morning, his dead body was found in the sugarcane field.
5. The post mortem examination report indicates that the deceased died of asphyxia due to hanging. On the next day of lodging of the FIR i.e. on 19.12.2022, the informant gave supplementary statement, stating therein that after the deceased had quarrel with his wife (applicant - Manisha), he came out of the

house. He was in inebriated state. As a result, he fell in the courtyard of his residence. He suffered head injury. Still, he went out of the house. He was immediately followed by the applicant - Avinash and the co-accused – Dhanaji, together.

6. The case is based on circumstantial evidence. The applicants herein are alleged to have been emotionally involved. It is stated to be extra-marital relationship. The deceased was husband of the applicant - Manisha. On the given day, there was quarrel between the two. The deceased left the house. He was heavily drunk. He fell in the court-yard of his residence and suffered head injury. Both the applicants, allegedly, followed the deceased. But there is nothing to indicate, whether they had strangled the deceased. The deceased died of hanging. There is no further material against the applicants to connect them in the offence in question. Both of them have been behind the bars since December, 2021. On investigation, 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.

8. The observations made herein above are *prima facie* in nature for the purpose of allowing these applications for bail. The trial Court shall not be influenced thereby.

9. Hence, the following order:-

(i) The applications are allowed.

(ii) The applicants be released in connection with Crime No.0366 of 2021 registered with Nilanga Police Station, Dist.Latur, for the offences punishable under Sections 302, 109 and 120-B read with Section 34 of Indian Penal Code, 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.

[R.G. AVACHAT, J.]

KBP