

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 BAIL APPLICATION NO.1373 OF 2021

Allabaksha S/o Kashim Pinjari
Aged - 28 years, Occu - Labour,
R/o - At post Shewla, Tq. Degloor,
District - Nanded

.. Applicant /
Accused

VERSUS

The State of Maharashtra through,
Police Inspector, Police Station - Degloor
Tq. Degloor, Dist. Nanded

.. Respondent

...
Advocate for Applicant : Mrs. Poonam V. Bodke Patil
APP for Respondents: Mr. S.W. Munde
...

CORAM : MANGESH S. PATIL, J.

DATE : 18 JANUARY 2022

PC :

Heard.

2. This is a successive application for regular bail under section 439 of the Code of Criminal Procedure in connection with crime no. 513 of 2020 registered with Degloor Police Station, District - Nanded for the offences punishable under section 306, 498(A), 323, 504, 34 of the Indian Penal Code.

3. The sum and substance of the allegations are to the effect that the deceased, who was a married lady having children, was allegedly having an illicit relations with the brother of the present applicant. On that count, the accused no. 1, who happens to be her

husband, had subjected her to ill-treatment and had driven her out. It is stated that for some time, she had stayed with her married sister in Telangana State. It is then alleged that just before the incident for few days, the accused no. 1 had brought her back for co-habitation. However, on the date of the incident, the present applicant, his another brother, who is accused no. 3 - Rasul and their mother, who is accused no. 4 abused and assaulted her by alleging that because of her illicit relations with applicant's brother that the latter had left the house. Because of such ill-treatment, she consumed poison and committed suicide.

4. Though, this is a successive application, the applicant has been in jail since 18-12-2020 i.e. for the last 13 months. The allegations as against him and the co-accused - Rasul are almost same except the statement of the minor son of the deceased alleging that when he tried to intervene and rescue his mother, the applicant pushed him aside.

5. There are no criminal antecedents. The investigation is long over and even the chargesheet has been filed. No purpose would be served by allowing further detention of the applicant when the trial is not likely to get over in the near future.

6. The Bail Application is allowed.

7. The applicant shall be released on bail on his executing personal recognizance bond in the sum of Rs.30,000/- (Rs. Thirty Thousand) and furnishing solvent surety in the like amount, subject to

the condition that he shall not tamper with prosecution evidence or influence the witnesses. Bail before the trial Court.

[MANGESH S. PATIL]
JUDGE

arp/