

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

950 BAIL APPLICATION NO.2051 OF 2022

DINESH @ VISHWAMBHAR PANDURANG ABUJ
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. V. D. Salunke (Senior Counsel) i/b
Mr. Salunke Mayur Vasant.
APP for Respondent-State : Mr. A. A. Jagatkar.
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CORAM : S. G. MEHARE, J.
DATE : 14.12.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The husband has been arraigned as an accused for the murder of his wife. The prosecution has a case that the applicant had extra marital relation. The wife watched his mobile phone at late hours in the night. Hence, quarrel took place between the husband and wife and the applicant strangled her. The first informant received the phone call from one Dhananjay Vitthal Abuj that the theft has been committed in the house of the applicant. However, the brother of the deceased alleged that the deceased was opposing the applicant for his extra marital relation. Hence, he got a

suspicion that the deceased and accused must have quarrel. The applicant killed her when she resisted his extra marital relation.

3. The applicant has a case that on the date of the incident, a theft was committed in his house. The thieves tied his hands and legs and gagged handkerchief in his mouth. The deceased resisted the theft and the thieves strangled her.

4. The prosecution has evidence from both the sides. At one hand, the prosecution has the witnesses stating that they saw the applicant/accused tied in his home and gagged with a handkerchief. They untied him, that time, they found that the deceased was lying dead in the room. As against this, the prosecution has also the evidence of a minor child, the daughter of the applicant and deceased. She would state that the applicant and the deceased had quarrel since the deceased saw the chatting of the applicant in his mobile phone. The applicant dragged her in another room, strangled her and created a picture that theft was committed.

5. The evidence collected by the prosecution reveals that the evidence is from both side. Considering the evidence, two views are possible. The independent witnesses supported the applicant. The applicant did not flee away from the spot of the

incident. The girl, who is 11 years old did state nothing immediately after the incident. The applicant has been arrested immediately after the incident. Then, the child witness was in the custody of the grandfather/maternal uncle. Thereafter, her statement was recorded. The paramour of the applicant has also stated that she had bare love affair with the applicant for two years. However, she had denied to marry him. Therefore, the possibility of killing the deceased create suspicion. The daughter of the applicant and deceased is now in safe hands. The statement of the witnesses supporting the applicant and the prosecution were not property recorded. However, whether the daughter witnessed the incident needs a test before the Court. The material investigation is over. The view that goes in favour of the applicant may be considered, for the reason that there is a parallel evidence favouring the applicant and prosecution. In view of the facts and material placed before the Court, the applicant deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **DINESH @ VISHWAMBHAR PANDURANG ABUJ** be released on bail on

furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.66 of 2022, registered by Police Station Pimpalner, District Beed, for the offences punishable under Sections 302, 203 of the IPC, on the condition not to tamper with the prosecution witnesses and particularly not to contact the daughter in any way till conclusion of the trial.

(S. G. MEHARE, J.)

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vmk/-