

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

**BAIL APPLICATION NO.2034 OF 2022
WITH APPLN/98/2023 IN BA/2034/2022**

1. Sachin s/o Ashok Damare

2. Nitin s/o Ashok Damare ...Applicants

Versus

The State of Maharashtra ...Respondent

...

Advocate for Applicants : Mr. Karpe Rahul R.
APP for Respondent/State : Mr. S.P. Sonpawale
Advocate for Assist to P.P : Mr. M.B. Sandanshiv

...

CORAM : S.G. MEHARE, J.

DATED : JANUARY 07, 2023

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel assisting the learned APP.

2. It appears that the incident happened out of matrimonial dispute. The wife of the deceased was living separate from the deceased. The deceased went to the house of maternal uncle of his wife. The deceased beat his wife, therefore, the applicants got annoyed and they assaulted the deceased and his mother. The injured were immediately discharged. The bail is opposed on the ground that since the applicants threatened the deceased, he committed suicide and left the suicide note making serious allegations against the applicants. A separate FIR has also been registered against the

applicants for the offence punishable under Section 306 of the Indian Penal Code.

3. Perusal of the papers reveal that the incident happened when the deceased started beating his wife in her maternal uncle's home where meeting was called to settle the matrimonial dispute. This fact requires consideration. That apart, the alleged weapons used in the crime have been recovered. The applicants appears to have reacted naturally when the deceased started beating their sister. What offence would constitute is a matter of trial. Taking into consideration the entire facts and the incident, it would be inappropriate to keep the applicants behind the bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, Sachin s/o Ashok Damare and Nitin s/o Ashok Damare, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) each with one solvent surety in the like amount each in connection with Crime No.677 of 2022, registered at Karjat Police Station, District Ahmednagar for the offence punishable under Section 326, 307, 325, 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, on the condition that;

- (a) The applicants shall not tamper with the prosecution witnesses.

(3)

- (b) The applicants shall not contact any of the witnesses till conclusion of the trial.
- (iii) Criminal Application No.98 of 2023 is allowed.

(S.G. MEHARE, J.)

Mujaheed//