

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.168 OF 2023

GANESH MAHADU MARATHE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. G. R. Syed
APP for Respondent : Mr. S. B. Narwade
...

CORAM : S. G. MEHARE, J.

DATE : 03-02-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The complainant and the applicant are the relatives. It has been argued that the applicant is the brother-in-law of the first informant. The applicant had quarrel with his wife. The matter was tried to be settled, but the quarrel took place. Both have lodged report against one another. Nothing is to be recovered from the applicant. The applicant has undergone the police custody. No ornaments as alleged have been recovered from him as it is false allegation. The applicant is languishing in jail since 06.01.2023. There are no antecedents to his discredit.

3. The learned A.P.P. opposed the application. He would submit that the offence is serious. The applicant and the injured are relatives. There may be another incident if the applicant is released on bail. Hence, the applicant may not be granted bail.

4. Perused the papers. The allegations have been levelled against the applicant that he assaulted the victim with a knife-stick, but the injury report does not support the allegations. The weapons have been recovered from the spot of the incident. The applicant and the victim are the relatives. Therefore, the possibility of quarrel on the matrimonial dispute of the applicant cannot be ruled out. In the facts and circumstances of the case, further detention of the applicant would serve no purpose. Hence, the following order:-

- i) The application is allowed.
- ii) Applicant Ganesh Mahadu Marathe be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of like amount in C.R.No.790 of 2022, registered with Nandurbar City Police Station, Nandurbar, Taluka and District Nandurbar, for the offence punishable under Sections 307, 326, 394, 452 and 504 read with Section 34 of the Indian Penal Code, on the condition that he shall stay away from his village for three months from the date of his release.

**(S. G. MEHARE)
JUDGE**