

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

46 BAIL APPLICATION NO.1 OF 2023
WITH APPLN/392/2023 IN BA/1/2023

GANESH JYOTIRAM RAUT
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondent-State : Mr. S. B. Narwade.
Advocate for Complainant to assist APP : Mr. Lavte Amar
Vinayakrao.

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CORAM : S. G. MEHARE, J.
DATE : 30.01.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the complainant.
2. In an unfortunate incident, a newly married girl lost her life. Her dead body was found in the Well situated in the field, where the applicant and the deceased were residing. Initially, the offence under Section 498-A and other relevant sections were registered, but the prosecution brought two witnesses. They are the husband and wife having field adjoining to the field of the applicant. Based upon their statements, the prosecution has come with a case of last seen together.

However, their statement does not inspire confidence. Those statements appears not sufficient to believe at this juncture to prove that the applicant and the deceased were together just before the incident. They may not be helpful to believe the story of last seen together. Except this, there is no evidence against the applicant.

3. Considering the material placed on record, learned counsel for the applicant has correctly pointed out that it may be a case of accident. Whether it is accident, murder or suicide is a matter of evidence before the Trial Court. However, in view of the above observations, the Court is of the opinion that the applicant deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **GANESH JYOTIRAM RAUT** be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.155 of 2022, registered by Police Station Sirsala, District Beed, for the offences punishable under Sections 302, 498-A, 304-B, 323, 504, 506 read with Section 34 of the IPC and Section 3 and 4 of

Dowry Prohibition Act, on the following conditions:

- (a) He shall not tamper with the prosecution witnesses.
- (b) He shall attend the trial on each effective date.
- (iii) Criminal application No.392 of 2023 to assist the learned APP is allowed.

(S. G. MEHARE, J.)

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vmk/-