

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

BAIL APPLICATION NO.470 OF 2023

**VAISHNAVI D/O. MANOHAR KALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicants : Mr. Lavte Amar Vinayakrao
APP for Respondent/State : Mr. K.S. Patil

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

DATED : MARCH 27, 2023

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.

2. This is a case wherein the maternal uncle of applicant no.1 witnessed the incident. However, instead of registering the crime directly, the accidental case under Section 174 of Cr.PC. was registered. The dead body was taken away from the well and the complainant himself identified the dead body. Thereafter, the FIR has been lodged against the applicants. Considering the nature of death of the deceased, the possibility of accidental death cannot be ruled out. The prosecution has no explanation why the FIR was not lodged at the first instance. No weapons have been used in the crime. Whether she was killed or felled into the well, are the doubtful situations. In such facts and circumstances, the applicants would be entitled to get the bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, Vaishnavi Manohar Kale and Akash @ Lakhan Nagorao @ Laxman Tabade, 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 in connection with Crime No.217 of 2022, registered with Dindrud Police Station, District Beed for the offence punishable under Section 302, 34 of the Indian Penal Code, on the conditions that they shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)