

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

BAIL APPLICATION NO.810 OF 2023

**NAMDEO BHAURAO SARODE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Joshi Sachin G
APP for Respondent: Mr. S. B. Narwade

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CORAM : S. G. MEHARE, J.

DATE : 06.06.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.PP
2. The applicant is seeking bail in Crime No. 465 of 2022 registered with Police Station Chandanzira, Taluka and District Jalna for the offences punishable under Sections 201, 302 read with section 34 of the Indian Penal Code.
3. The prosecution case in brief is that, the applicant is the uncle of the deceased girl. She had an affair with a boy. The applicant and his father promised her to perform her marriage with the said boy. Hence

the deceased and said boy returned the village of the victim girl. The father of the deceased girl put a condition upon a boy to transfer ½ of Acre of land in the name of the deceased, the boy agreed. Thereafter, the present applicant and his brother/co-accused took the girl on the motorbike and since then the deceased disappeared. The applicant and co-accused hastily performed the last rituals of the deceased near the poultry farm and her ashes were filled in gunny bags. The prosecution has a case of honour killing.

4. The learned counsel for the applicant would submit that the prosecution has no sufficient material to believe the story. The confessional statement of the accused in the police custody is inadmissible. The mother of the deceased did not state about the hanging of the deceased. There were no statements of the witnesses under Section 164 of the Code of Criminal Procedure. There were no eye witnesses to the incident nor a circumstantial evidence establishes that it was a homicidal death of the deceased and the applicant killed her. The applicant has been falsely implicated in the crime. The applicant was not the master mind of the alleged incident. The investigation has been completed. The charge sheet is filed. Therefore, he may be granted bail.

5. The learned A.P.P strongly opposed the application. He would submit that there is ample evidence against the applicant that the applicant, co-accused and deceased were seen lastly together and immediately thereafter the deceased disappeared. The unnatural conduct of the applicant burning the dead body near the poultry farm is a strong circumstance against the applicant. The ashes were found filled in gunny bags. The applicant and co-accused were opposing the marriage of the deceased with the said boy, hence they hatched a conspiracy to eliminate the girl and accordingly they killed her.

6. Perused the papers produced by the prosecution. The material collected by the Investigating Officer inspire the confidence that it is a case of honour killing. The deceased was found lastly in the company of the applicant and co-accused. Thereafter, she disappeared. In a natural course the parents ought to have complained of disappearing the deceased. The evidence collected by the Investigating officer support the contention that the accused were present on the spot of the incident with ashes of the deceased filled in the gunny bags. *Prima facie*, the offence is serious. The deceased girl appears to be mercilessly killed. The conduct of the applicant corroborates the prosecution case. Considering the gravity of the offence and the way

in which it was committed, it would be appropriate to decline the bail.
Hence bail application stands dismissed.

(S. G. MEHARE)
JUDGE

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