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

BAIL APPLICATION NO.1097 OF 2023

**VINOD S/O BHAGWAN RATHOD
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Thorat Nanabhau R
APP for Respondent/State : Mr. K.S. Patil
...

CORAM : S.G. MEHARE, J.

DATED : JULY 12, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in Crime No.71 of 2023 registered with Talwada Police Station, District Beed for the offence punishable under Section 302, 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code.
3. The deceased was the paternal aunt of the applicant. The deceased was residing adjacent to the house of the applicant with her children and husband. It has been alleged against the applicant that he and his father killed the deceased with a heavy stone hitting on her head. As per the prosecution case, the first informant/brother of the victim got information from her maternal uncle and then he lodged the report.

4. The applicant has a case that he has been arraigned as an accused only being a close relative of the husband of the deceased. The applicant is residing separately having no concern with the family affairs of the deceased. Only on the suspicion, he has been arraigned as an accused. Nothing is to be recovered from him. The charge sheet has been filed. Hence, he may be granted bail.

5. Learned APP would submit that the offence is serious. The applicant and his father were supporting the husband of the deceased. Hence, the deceased was against them and the incident happened. Hence, he may not be granted bail.

6. The facts of the case reveal that the first informant received information from one Kisan and he had information from one lady Bibabai Phula Rathod. However, her statement is not recorded. The best witnesses were the children of the deceased. They have narrated that they were sleeping in the home and suddenly heard the noise of something. They woke up and saw that the stone was thrown on the head of their mother. Thereafter, they screamed and then the applicant came on the spot and took the deceased to the hospital in a vehicle. The vehicle driver also corroborated this fact. The conduct of the applicant appears natural. There appears substance in the arguments of the learned counsel for the applicant that he being a close relative of the husband of the deceased, he might have been implicated falsely in the crime. Considering the facts

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of the case in toto, the Court is of the view that this is a fit case to exercise the discretion under Section 439 of Cr.PC. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Vinod s/o Bhagwan Rathod, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall attend the trial on each effective date.

(S.G. MEHARE, J.)