

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1296 OF 2023

BALAJI NIVRUTTI BANDGAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sudarshan J. Salunke
APP for Respondent : Mr. S. P. Deshmukh
...

CORAM : S. G. MEHARE, J.

DATE : 08-08-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant seeks bail in C.R.No.5 of 2023 registered with Tadkalas, District Parbhani, for the offences punishable under Sections 302, 363, 364, 201, 120B read with Section 34 of the Indian Penal Code.
3. Perused the chargesheet.
4. The child killed was lastly seen in the company of daughter-in-law of the applicant. It is alleged that seven years back, the son of the applicant and husband of his daughter-in-law had lost the life at the time of digging the well in the field of the first informant; Hence, they killed the small child. However, the chargesheet does not show concrete evidence of conspiracy and the presence of the

applicant at the spot of the incident before or immediately after the incident. The body was exhumed at the instance of the daughter-in-law of the applicant. Remote enmity was there. Nothing is to be recovered from the applicant. He is running 70 years, having no antecedents to his discredit. The chargesheet has been filed. On the facts and role attributed to him, he cannot be detained further in jail. Hence, the order:-

- i) The application is allowed.
- ii) Applicant Balaji Nivrutti Bandgar be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No.5 of 2023 registered with Tadkalas, District Parbhani, for the offences punishable under Sections 302, 363, 364, 201, 120B read with Section 34 of the Indian Penal Code, on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall not contact the parents of the deceased.
 - (c) He shall attend the trial on each and every effective date.

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