

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

44 BAIL APPLICATION NO.1413 OF 2023

LALU NARSHING GANTEWAD
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. S.B. Ghatol Patil
APP for Respondent : Ms. P. V. Diggikar

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: August 28, 2023

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PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.30 of 2023 dated 6.3.2023 registered with Usman Nagar police station, Tq. Loha, District Nanded for the offence punishable under section 302 of the Indian Penal Code.

2. Investigation was set in motion on the basis of information dated 6.3.2023 given by the Nagorao Vyankati Dyaranglod. It is alleged that daughter of the informant namely Anita married to the applicant about 16 years ago. Out of such matrimonial relationship, the couple is blessed with a daughter and two sons. It is alleged that on 30.10.2022, the informant received telephonic message that his daughter was found dead in her house and there was injury on her forehead. Although, they had doubt regarding homicidal death of the deceased, however, statement was not given to the police. During the course of the investigation, the applicant was arrested on 6.3.2023. The application for bail filed by the

applicant has been rejected by the Sessions Court. Hence, this application.

3. Mr. Ghatol Patil, learned advocate for the applicant would submit that although the incident is dated 30.10.2022, FIR has been lodged on 6.3.2023. He would submit that there is no direct evidence against the applicant. He would submit that initially A.D. No.46 of 2022 was registered under section 174 of the Criminal Procedure Code. However, subsequently, FIR has been registered only on the basis of suspicion. Charge-sheet has been filed on 30.5.2023. Material in the charge-sheet is insufficient to establish the guilt against the applicant. Hence, he urged to grant bail to the applicant.

4. Learned A.P.P. vehemently opposes the application. She would submit that the mysterious death of the deceased is to be explained by the applicant/husband. Section 106 of the Evidence Act would operate in present case. She would further submit that conduct of the applicant is objectionable. He was fled away for about 4 months till date of his arrest. She would further submit that there is recovery of incriminating material under section 27 of the Evidence Act.

5. Having considered the submissions advanced, apparently, the FIR is filed after five months of the incident. Postmortem report indicates that the deceased had suffered injuries on her forehead. However, there is no evidence by which it can be considered that the applicant is the author of

such injury. The evidence on record speaks about financial transaction between the applicant and his in-laws. However, it is difficult to draw any definite conclusion on the basis of such evidence to bring home the guilt of the applicant. Prima facie, the circumstantial evidence on record appears to be weak and short to draw definite conclusion regarding guilt of the applicant. In that view of the matter, case is made out for grant of bail, subject to certain conditions. The observations herein-above are prima facie for disposal of the present application. In the result, following order is passed.

ORDER

1. Criminal Bail Application is hereby allowed.
2. The applicant - Lalu s/o Narsing Gantewad be released on bail in connection with Crime No.30 of 2023 dated 6.3.2023 registered with Usman Nagar police station, Tq. Loha, District Nanded for the offence punishable under section 302 of the Indian Penal Code on furnishing PR. Bond in the sum of Rs.50,000/- (Rs. Fifty Thousand) with one S.B. of the like amount on the following conditions :-
 - a] The applicant shall not tamper with the prosecution evidence in any manner.
 - b] The applicant shall not contact with any witness named in the charge-sheet
 - c] The applicant shall attend the trial.

- d] The applicant shall not leave the State of Maharashtra without permission of the Trial Court.
3. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR J.)

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