

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

914 BAIL APPLICATION NO.1854 OF 2022

SACHIN RAMESHWAR BARADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondents state: Mr. S. P. Deshmukh
Advocate for Respondent No.2 : Mr. G. D. Jain(appointed through Legal
Aid Service)

CORAM : S. G. MEHARE, J.

DATE : 5th JANUARY, 2023

ORDER:

1. Heard learned counsel for the applicant, learned APP for the State and Mr. Jain, learned counsel appointed through legal aid to represent the informant.

2. The facts of the case reveal that the deceased and applicant were in love relations; however, the parents of the applicant opposed their marriage. On the fateful day of the incident, the deceased had been to house of the applicant; however, his parent opposed for their marriage. Hence she consumed rat killing poison.

3. Statement of the first treating Doctor reveals that nobody told him about consumption of rat killing poison but lastly when he made enquiry with the deceased, she told that she has no complaint

against anybody. No doubt, during the course of treatment, she died and then report came to be lodged.

4. Though vehement argument has been advanced by the learned counsel for respondent no.2/informant, that applicant breached the promise to marry the deceased but the conduct of the applicant does not reveal that he ever denied to marry her. The prosecution case is that when deceased went to the house of the applicant, his parent opposed and therefore, she consumed poison. The deceased had occasion to make complaint against the applicant and his family but she did not give statement against anybody. At this juncture, there is no prima facie evidence to believe that when she was minor, the applicant did forcible sex with her. It is a matter of evidence. The investigation has been completed and the applicant has cooperated with the investigation. The trial will take its time. Therefore, the application deserves to be allowed. Hence the order.

O R D E R

- i. The bail application is allowed.
- ii. The applicant Sachin s/o Rameshwar Barade be released on bail on executing P. R. and S.B. of Rs.50,000/- with one solvent surety of the like amount in connection with Crime No. 0162/2021 registered with Goregaon Police Station, District Hingoli for the

offences punishable under sections 306, 376(2)(N), 341, 506 r/w 34 of the Indian Penal Code on the condition that he shall not tamper with the prosecution evidence.

iii. The Secretary, High Court Legal Services Sub-Committee, Aurangabad, is requested to pay the fee to Advocate Shri G. D. Jain as per schedule.

(S. G. MEHARE, J.)

JPChavan