

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

963 BAIL APPLICATION NO.2151 OF 2022

JITENDRA @ NANA THAKARE (BHIL)
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Harshal Prakash Randhir.
APP for Respondent-State : Mr. S. P. Deshmukh.
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CORAM : S. G. MEHARE, J.
DATE : 06.01.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. Learned counsel for the applicant would submit that the applicant has no intention to kill his daughter. However, he was taking her care. On the day of incident, when the daughter was with him, his relatives forced him to give her back to them. The conduct of the applicant may be noted that while running with his daughter, he reached near the Well and inadvertently the daughter fell into the Well, so to save her, he also jumped. Unfortunately, he could not save his daughter. Few people took him out from the Well. The wife of the applicant is illiterate. She did not know about the contents in

the FIR. Accordingly, she has sworn in affidavit before the Trial Court. The applicant never ill-treated his wife nor raised suspicion over her character. It was merely an accident in which he lost his daughter. He had love and affection towards her. However, he had apprehension that somebody will take the daughter from him. Hence, he was running to save her as he was not willing to give her to anybody. In the circumstances, he may be granted bail.

3. Learned APP has strongly opposed the application. He would refer to the statements of the witnesses and the FIR and argue that *prima facie* evidence is available against the applicant. He threw the deceased daughter into the Well and then he also jumped. The applicant is a skeptical. It would not be safe to release him on bail though his wife by way of affidavit supported him.

4. Perused the papers. The allegations reveals that the applicant was not allowing anybody to touch his deceased daughter. He was afraid that someone would take his daughter, so he started running with deceased daughter. The relatives chased him. In the way, there was a Well. Though the allegations has been levelled that he threw the daughter in the Well, but he also immediately jumped into the Well. So at this

juncture, the arguments may be accepted that the daughter might have fell from his arms into the Well and immediately to save her, he jumped into the Well. The wife has no grievance. Therefore, it cannot be said that she is unsafe. Considering the material placed before the Court and the facts of the case and the way of life of the tribal, it would be inappropriate to keep him behind bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **JITENDRA @ NANA THAKARE (BHIL)** be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.149 of 2022, registered by Police Station Bhadgaon, District Jalgaon, for the offence punishable under Sections 302, 309, 504, 506 of the IPC, on the condition not to tamper with the prosecution witnesses.

(S. G. MEHARE, J.)

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vmk/-