



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Criminal Application [BA] No.757 of 2023**

*Bhaskarrao Madhavrao Gite and another*

vs.

*The State of Maharashtra, through PSO, Police Station Deulgaon Raja,  
District Buldhana*

-----  
*Office notes, Office Memoranda of  
 Coram, appearances, Court's orders  
 or directions and Registrar's orders.*

*Court's or Judge's Orders*

*Mr. R.N. Ghuge, Advocate for the Applicants.*

*Mr. A.M. Kadukar, A.P.P. for the Non-Applicant/State.*

**CORAM : M.W. CHANDWANI, J.**  
**DATE : 11<sup>th</sup> SEPTEMBER, 2023.**

The applicants seek bail in connection with Crime No.104/2023, registered with Police Station Deulgaon Raja, District Buldhana, for the offence punishable under Sections 302, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

02] Heard the learned Counsel for the applicants as well as the learned A.P.P. for the non-applicant/State.

03] The learned Counsel for the applicants submitted that, the applicants have no role to play in the alleged crime. It is contended that it is their son, who was in habit of drinking liquor and used to quarrel with his wife. It is also contended that on the fateful day i.e. 03/04/2023, the applicants' son Sunil quarreled with his wife and thereafter committed murder of his wife by throttling. It is contended that initially the applicants were not made as co-accused. Since the custody of the grandson of the applicants was with the parents of the deceased and at the instance of the family members of the deceased, the minor son had given a statement against the applicants and,

therefore, the applicants are roped with the crime. The learned Counsel for the applicants submits that investigation is complete and, therefore, the applicants be released on bail.

04] *Per contra*, the learned Additional Public Prosecutor vehemently submits that the minor child of the deceased, who was aged about seven years was present on the spot, has stated the role played by the present applicants in the statements given before the Police as well as the learned Magistrate under Section 164 of the Code of Criminal Procedure. He further submits that there were quarrels between the family members of the deceased and the present applicants as well as their son. The F.I.R. came to lodged earlier also. Therefore, he resisted the bail application.

05] Having gone through the charge-sheet, it transpired that the neighbourer of the applicants reported the incident to the police stating that unnatural death of the deceased was caused and, therefore, initially the offence of accidental death report (ADR) came to be registered. Later on, during enquiry, it is on the statement of the applicants, offence under Section 302 came to be registered against their son Sunil on the allegations that he committed murder of the deceased by strangulating her.

06] It appears that after the statement given by the minor son of the deceased, who was then in the custody of the parents of the deceased, the present applicants were also made accused on the ground that they had also acted in the crime. No doubt, this is not the stage to go into the contradictions made in the statements of the witnesses. But, for the limited purpose of deciding the bail application, if the statements of the minor son of the deceased are

perused, it will reveal that he in the statement before the Police has stated that applicant No.1 was holding the legs, whereas applicant No.2 was holding the hands of the deceased at the time of incident. However, the statement given by the minor child before the learned Magistrate shows that he has assigned the reverse roles to both the applicants. Even the statements of the other witnesses show that on the fateful day, quarrel took place between the deceased and the accused Sunil and, therefore, applicant No.2 called the neighbourer.

07] Whether the applicants have played any role in commission of crime is a matter of trial. Investigation is complete and the charge-sheet has already been filed. Applicant No.1 and applicant No.2 are behind the bars since 11/04/2023 and 12/04/2023 respectively. The trial will take considerable time. Applicant No.1 is aged about 67 years and applicant No.2 is a lady. They have fixed place of abode. There is no likelihood that the applicants will flee away from justice.

08] In view of above facts, a case is made out for exercising discretion in favour of the applicants. Hence, the following order :

- i. The application is allowed.
- ii. Applicant No.1 - Bhaskarrao Madhavrao Gite and applicant No.2 – Sau. Chandrabhagabai Bhaskarrao Gite shall be released on bail in Crime No.104/2023 registered with Police Station Deulgaon Raja, District Buldhana on their furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with one or two solvent sureties in the like amount for each.

- iii. The applicants shall attend the trial Court on each and every date.
- iv. The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.
- v. The observations made in this order are *prima facie* made for the purpose of deciding the bail application. The trial Court shall not get influenced by this order.
- vi. The application is disposed of in the above terms.

**JUDGE**

*\*sandesh*