



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

107 BAIL APPLICATION NO. 69 OF 2024

1. Ajay S/o Ganesh Mutekar.
2. Vinay S/o Ganesh Mutekar. ... Applicants

Versus

The State of Maharashtra. ... Respondents

...
Advocate for Applicant : Mr. Nilesh S. Ghanekar.
APP for Respondent/State : Mr. Mukesh K. Goyanka.

...

AND
CRIMINAL APPLICATION NO. 427 OF 2024
IN
BAIL APPLICATION NO. 69 OF 2024

Prabhakar Daulat Dhemre. ... Applicant

Versus

1. The State of Maharashtra.
2. Ajay Ganesh Mutekar.
3. Vinay Ganesh Mutekar. ... Respondents

...
Advocate for Applicant : Mr. Sitaram R. Chavan.
APP for Respondent/State : Mr. Mukesh K. Goyanka.

...

CORAM : SANJAY A. DESHMUKH, J.
DATE : 22nd January, 2024.

P.C.:

1 Heard.

2 The criminal application is filed to assist the Public Prosecutor. For the reasons given in the application, the same is allowed.

3 This is a bail application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.297 of 2023, registered with Jawahar Nagar Police Station, District Aurangabad, for the offences punishable under Sections 306, 498-A, 323, 504 and 304-B read with 34 of the Indian Penal Code.

4 The learned counsel for applicants seeks leave to amend the application and add Section 304-B of the Indian Penal Code. Leave granted. Amendment be carried out forthwith.

5 The applicants are real bothers. It is averred in the report that the daughter of the informant was treated with cruelty and there was abetment on the part of her husband and these applicants and therefore, she committed suicide by hanging. It is averred in the report that the applicants, who are brothers-in-law of the victim, were harassing her under the influence of liquor by abusing her. They were insulting her and therefore, she was suffering mentally.

6 The learned counsel for applicants submitted that, except the bare allegations that applicants used to abuse and insult the victim women under the influence of liquor, there are no any other allegations that they have treated her with cruelty as contemplated under the provisions of Section 498-A of the IPC. The applicants are resident of Aurangabad. They have no criminal antecedents. The practical investigation is over. It is lastly prayed to allow the application.

7 The learned APP for the State and the learned counsel assisting the prosecution strongly objected the application and contended that the applicants are involved in serious crime. The victim was pregnant and she committed suicide within three years of the marriage. Considering the serious nature of crime, it is lastly prayed to reject the application.

8 Perused the papers of investigation. The statements of witnesses are recorded. Necessary documents like postmortem report etc. are collected. The custodial interrogation of these two applicants is not necessary. The applicants have roots in the society. They will not flee away from trial. Considering the crime and the nature of allegations made against these applicants, the bail application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The bail application is allowed.
- II. The applicants in connection with Crime No.297 of 2023, registered with Jawahar Nagar Police Station, District Aurangabad, for the offences punishable under Sections 306, 498-A, 323, 504 and 304-B read with 34 of the Indian Penal Code,, be released on bail on furnishing personal bond of Rs.50,000/- each with surety of the like amount on following conditions:-
 - a) The applicants shall not pressurize the prosecution witnesses.
 - b) The applicants shall not tamper with the prosecution evidence, in any manner.

[SANJAY A. DESHMUKH, J.]

nga