



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 BAIL APPLICATION NO. 233 OF 2024

Shrut Navnath Kulthe
VERSUS
The State of Maharashtra

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Advocate for Applicant : Mr. Barde Parag Vijay
APP for Respondents: Mrs. Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 19th MARCH, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 312 of 2023 registered with Shirdi police station, District Ahmednagar for the offences punishable under Sections 302 of the I.P.C. His application with similar prayer below Exh. 2 in Sessions Case No. 48 of 2023 came to be rejected by the learned Additional Sessions Judge, Kopargaon, vide order dated 5.12.2023.

2. It is averred in the report by the grand-father of the applicant that his daughter Archana, his grand-daughter Dnyaneshwari and the applicant were residing with him, because the husband of Archana had left them and he is residing with his sister. Dnyaneshwari was 17 years of old. She was in love with Aditya Arne, who is 20 years old boy, residing of Laxminagar, Shirdi, Tq. Rahata, district Ahmednagar. They were chatting to each other on instagram. That chat was noticed by the applicant and therefore, he was not talking with his sister. He

threatened to eliminate Aditya Arne. On 02.05.2023, the applicant assaulted Dnyaneshwari by a Paver block and scissor and committed her murder. The report was lodged on the second day of the incident and the applicant was arrested.

3. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. Investigation is over. There is no any eye witness to the incident. The applicant has roots in the society, he will not flee away from the trial and the further custody of the applicant is not required. He therefore, prayed for allowing the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in a serious crime for which death penalty or life imprisonment can be awarded. Though the investigation is over, the possibility of pressurizing the prosecution witnesses on the part of this applicant cannot be ruled out. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly, the report, the statements of witnesses and the post mortem report. Further, the custody of the applicant is not necessary. No doubt, he has criminal antecedents and he was involved in the crime punishable under Section 324 of I.P.C. however, without adverting to the merits and considering the facts and circumstances of the case, particularly the fact that the applicant has roots in the society, he will not flee away from the trial, the

trial will take a long period, he is bread winner for his family, the application deserves to be allowed on the principles of bail is rule and jail is exception, on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 312 of 2023 registered with Shirdi police station, District Ahmednagar for the offences punishable under Sections 302 of the I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicant shall not enter within the vicinity of Shirdi town, Tq. Rahata, district Ahmednagar, till conclusion of the trial.
 - c) If any breach of the above conditions is noticed, the trial court is at liberty to proceed for cancellation of bail of the applicant, without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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