



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

98 BAIL APPLICATION NO. 281 OF 2024

Uttam Punjaji Chaudhari

..APPLICANT

-VERSUS-

The State of Maharashtra
and another.

..RESPONDENTS

Advocate for Applicant : Mr. N.S. Ghanekar

APP for Respondent/State : Mr.Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 4th MARCH, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No.0425 of 2022 registered with Chalisgaon Police Station, Dist. Jalgaon, for the offences punishable under Sections 302, 109, 498-A read with 34 of the Indian Penal Code.

2. It is averred in the report that the applicant committed murder of his daughter-in-law as he was enraged by her conduct and in grave and sudden provocation, he throttled her by his hands.

3. The learned advocate for the applicant submitted that

the prosecution has come with two fold theory, one is applicant has committed her murder and another is that only her husband committed her murder. It is submitted that the applicant is suffering from acute on chronic renal failure with obstructive uropathy with encephalopathy and he is treated in the Government Medical College, Sambhajinagar (Aurangabad) from 07.01.2024 till 10.01.2024. Again he is admitted on 18.01.2024. He therefore prayed for bail on the ground of illness of the applicant, who is about 60 years.

4. The learned APP strongly opposed the application and submitted that the applicant can be treated in the Hospital situated in the Jail itself and in the Government Medical College also. The applicant is involved in the serious crime. He therefore prayed to reject the application.

5. Perused the charge-sheet and statements of the witnesses. Perused the report called from the Jail authority in which it is mentioned that the applicant is suffering from chronic renal failure and he requires DJ stent for his kidney, for that he is required to admit in Higher Center. Apart from merit, considering age of this applicant and his chronic renal failure illness, the application deserves to be allowed on certain conditions. Hence, the following

order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No.0425 of 2022 registered with Chalisgaon Police Station, Dist. Jalgaon, for the offences punishable under Sections 302, 109, 498-A read with 34 of the Indian Penal Code, 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 pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

(SANJAY A. DESHMUKH, J.)

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