



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

7 BAIL APPLICATION NO. 314 OF 2024

LAXMAN @ LAKHAN NAVNATH NAGNE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rahul R. Karpe.
APP for Respondent/State : Mr. Satish A. Gaikwad.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 08th April, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.106 of 2023, registered with Bhoom Police Station, District Dharashiv (Osmanabad), for the offences punishable under Sections 302 and 201 of the Indian Penal Code and under Sections 3/25 and 27 of the Arms Act.

3 The informant's wife was missing. Therefore, missing report was lodged on 20th April, 2023. Thereafter, her dead body was found on 26th April, 2023 in the agricultural land of village Chinchpur Dhage, Taluka Bhoom, District Osmanabad. It was revealed that the applicant was loving with the wife of the informant and she was not

willing to go to him and perform marriage with him. Therefore, the applicant eliminated her.

4 The learned counsel for applicant submitted that there is only evidence of making phone call, when the informant's wife left house and missing report was lodged and thereafter, the dead body was found. There is no eye-witnesses to the incident. The applicant is falsely implicated in the crime. He has roots in the society. He has no criminal antecedents. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicant fled away with the deceased. He thrown his mobile handset and the mobile handset of the wife of informant in the river alongwith pistol. The postmortem report shows that there was one bullet lying near the dead body and one bullet was found in her chest. It is homicidal death. He pointed out the phone call details, which shows that the applicant made phone call to the wife of informant at the relevant time, when she left the house. The learned APP further pointed out the statements of witnesses, the *Panchanama* under Section 27 of the Evidence Act and other documents. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the statements of witnesses and the call details. The postmortem report shows that the

wife of informant sustained injury by firearm and one bullet was found in her chest. Considering the facts and circumstances of the case, particularly, the applicant has roots in the society, he will not flee away from the trial and the trial will take long period, the application deserves to be allowed on the principle that bail is rule and jail is exception. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.106 of 2023, registered with Bhoom Police Station, District Dharashiv (Osmanabad), for the offences punishable under Sections 302 and 201 of the Indian Penal Code and under Sections 3/25 and 27 of the Arms Act, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.
 - c) The applicant shall not enter into village Chinchpur Dhage, Taluka Bhoom, District Osmanabad, till the conclusion of trial.

- d) If any breach of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to proceed further to cancel the bail of this applicant without reference to this Court.

[SANJAY A. DESHMUKH, J.]

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