



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

37 BAIL APPLICATION NO. 450 OF 2024

Vitthal Yadav Sangle.

... Applicant

Versus

The State of Maharashtra.

... Respondent

...
Advocate for Applicant : Mr. Shrikrashna B. Solanke.

APP for Respondent/State : Mrs. Pratibha J. Bharad.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 01st April, 2024.

P.C.:

1 Heard.

2 The learned counsel for applicant seeks leave to place on record a copy of charge-sheet. Leave granted.

3 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.373 of 2023, registered with Sengaon Police Station, District Hingoli, for the offences punishable under Sections 302, 452 and 449 of the Indian Penal Code.

4 The informant is the father of the deceased, whose marriage was performed with this applicant in the year 2014. She

begotten one son namely Ganesh and one daughter namely Darshani. However, illicit relationship was developed between the daughter of informant and one Bhaskar alias Bali Ashruba Kharat. This fact was noticed by this applicant. The matter was compromised and there was cohabitation. Thereafter, the daughter of informant ran away with Bhaskar and stayed at Aurangabad for three months. Thereafter, she came back. Again, compromise took place. Thereafter, she went to Pune alongwith Bhaskar. They came back to the village in October, 2023. Again, the matter was compromised and she was cohabiting with this applicant. Bhaskar frequently visiting the daughter of informant and insisting her to come with him otherwise he will not allow her to stay with this applicant. On 19th October, 2023, it was revealed that Bhaskar came out of the house and thereafter, the dead body of the daughter of informant was found. Therefore, report was lodged against him. Thereafter, supplementary statement of the informant was recorded and it was revealed that this applicant throttled his wife and committed her murder. He was arrested on 20th October, 2023.

5 The learned counsel for applicant submitted that charge-sheet is submitted. The applicant has no criminal antecedents. He will not flee away from the trial. The trial will take long period. There is no direct evidence against this applicant. It is lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application and submitted that there is strong evidence of motive against this applicant. The applicant is involved in serious crime of murder of his wife. Considering the serious nature of the crime, it is lastly prayed to reject the application.

7 Perused the charge-sheet, particularly, the report and the statements of witnesses. The postmortem report shows that it is homicidal death. However, considering the fact that the applicant has no criminal antecedents, he has roots in the society, he will not flee away from the trial and the trial will take long period, the applicant is entitled for bail on the principle that bail is rule and jail is exception. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.373 of 2023, registered with Sengaon Police Station, District Hingoli, for the offences punishable under Sections 302, 452 and 449 of the Indian Penal Code, 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.

[SANJAY A. DESHMUKH, J.]

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