



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

41 BAIL APPLICATION NO. 475 OF 2024

Pandhari Chokhoba Jabhade.

... Applicant

Versus

The State of Maharashtra.

... Respondent

...

Advocate for Applicant : Mr. Nitin U. Telgaonkar.

APP for Respondent/State : Mr. Rajdeep D. Raut.

...

AND

BAIL APPLICATION NO. 482 OF 2024

Ganesh Kisanrao Panchal.

... Applicant

Versus

The State of Maharashtra.

... Respondent

...

Advocate for Applicant : Mr. Pankaj A. Bharat, h/f Mr. U. L. Momale.

APP for Respondent/State : Mr. Rajdeep D. Raut.

...

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

DATE : 01st April, 2024.

P.C.:

1 Heard.

2 These are applications, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.127 of 2024, registered with Ahmedpur Police Station, District Latur, for the offence punishable under Section 306 read with

34 of the Indian Penal Code.

3 It is averred in the report by the father of deceased (wife of applicant/Ganesh) that their marriage was performed in the year 2009. She begotten two sons and one daughter. His daughter committed suicide on 26th February, 2023. Two days before the incident, her husband was beating her continuously for four days. There was doubt in the mind of applicant/Ganesh and his family members that there was illicit relationship between the son of applicant/Pandhari and the daughter of informant. Applicant/Pandhari used to tell his son to make phone call to the wife of applicant/Ganesh and therefore, doubt was created in the mind of the family members. The matter was tried to be settled, but it was not settled. The report was immediately lodged.

4 The learned counsel for applicant/Pandhari submitted that this applicant is 67 years old. There is no any evidence of abetment to commit suicide. This applicant has roots in the society. He will not flee away from the trial. It is lastly prayed to allow the application.

5 The learned counsel for applicant/Ganesh submitted that there is only allegations against this applicant that he was doubting the character of his wife and he beaten her continuously for four days. However, as per postmortem report, there is no such external injury found on her person and the cause of death is "Asphyxia due to

drowning”. It is lastly prayed to allow the application as the practical investigation is over.

6 The learned APP for the State strongly opposed both these applications and pointed out the statements of witnesses. These applicants are involved in serious crime. There is strong evidence against them. Applicant/Ganesh was doubting the character of his wife and he beaten her continuously for four days. There is possibility that these applicants are likely to pressurize the prosecution witnesses. Considering serious nature of the crime, it is lastly prayed to reject both these applications.

7 Perused the papers of investigation, particularly, the FIR and the postmortem report. The statements of witnesses are in consonance with the prosecution story, particularly, the report. However, as far as applicant/Pandhari is concerned, there is no evidence of abetment to commit suicide to the daughter of informant. As far as applicant/Ganesh is concerned, it is alleged that he doubted the character of the daughter of informant and harassed and beaten her. However, the practical investigation is over. The trial will take long period. The applicants have roots in the society. They will not flee away from the trial. Considering the principle that bail is rule and jail is exception, both these applications deserve to be allowed on

certain conditions. Hence, the following order:-

ORDER

- I. Both these applications are allowed.
- II. Both these applicants in connection with Crime No.127 of 2024, registered with Ahmedpur Police Station, District Latur, for the offence punishable under Section 306 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 by each of them on following conditions:-
 - a) These applicants shall not pressurize the prosecution witnesses, in any manner.
 - b) These applicants shall not tamper with the prosecution evidence, in any manner.
 - c) These applicants shall attend the Court regularly.
 - d) These applicants shall not enter into village Kalali, Taluka Kandhar, District Nanded, till conclusion of trial.
 - e) 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 these applicants without reference to this Court.

[SANJAY A. DESHMUKH, J.]