



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 BAIL APPLICATION NO. 490 OF 2024

Irvant Shankar Patil

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Shri. R. N. Dhorde, senior advocate i/b Mr.
Vikram R. Dhorde with Mr. S. P. Nimbalkar
APP for Respondents: Mr. R.D. Raut
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CORAM : SANJAY A. DESHMUKH, J.
DATED : 16th APRIL, 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. 511 of 2023 registered with Degloor police station, District Nanded for the offences punishable under Sections 302 of the I.P.C. His application with similar prayer below Exh.4 in Sessions Case No. 10 of 2024 came to be rejected by the learned Additional Sessions Judge, Biloli, vide order dated 2.3.2024.

2. It is averred in the report that the applicant is son in law of the informant. The applicant was married with the daughter of the informant viz. Anusayabai in the year 1995. The couple was blessed with a son Kapil 22 years and daughter Yogita 20 years. The applicant was addicted to liquor. The applicant used to make quarrel with Anusayabai. He used to beat her under the influence of liquor.

On 11.12.2023, the applicant assaulted his wife and in the said assault she died. Thereafter, the informant was informed. He went there and saw her dead body having injuries to her thigh, head and hand. The post mortem was conducted and the report was lodged.

3. Learned senior advocate for the applicant submitted that charge sheet is filed. The applicant is falsely implicated in the crime. It is a case of accident death, as some gunny bags of soyabean fell on the person of Anusayabai, in which she sustained injuries to her head, thigh, hands and she died. Learned senior advocate for the applicant pointed out the spot panchnama and seizure panchnama. He further pointed out the statement of witnesses and the post mortem report. He submitted that the applicant has roots in the society, he will not flee way from the trial, the trial will take a long time. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant has committed murder of his wife in his house. The opinion of the doctor is that it is death due to head injury. The statements of witnesses are very clear that there was motive in the mind of the applicant and under the influence of liquor, he used to beat his wife. The applicant is booked for serious crime for which bail cannot be granted. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the report, post mortem report and statements of witnesses. The spot panchnama shows that the incident occurred in the godown, which is a part of the house of the applicant. The applicant has roots in the society, the trial will take a long period, therefore, without adverting into the merits of the case and particularly the fact that the applicant will not flee away from trial, the application deserves to be allowed on certain conditions in view of the principle that the bail is rule and jail is exception. The application therefore, is 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. 511 of 2023 registered with Degloor police station, District Nanded 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 into the limits of village Takli (Mothi), Tq. Dongli, District Kamareddy (Telangana State) till the conclusion of trial.

- c) If any breach of the above conditions is noticed by the trial court, the trial court is at liberty to cancel the bail of this applicant without reference to this Court.

6. The trial court is directed to conclude the trial as expeditiously as possible and preferably within a period of one year from today.

(SANJAY A. DESHMUKH, J.)

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