



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 632 OF 2024

MIRNAMAI NIHAR MRUDHA
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Ravindra J. Nirmal
(through Legal Aid)
APP for Respondent : Ms. P. J. Bharad
...

CORAM : S. G. MEHARE, J.
DATE : 26-06-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant seeks bail in C.R.No.0689 of 2023 registered with M.I.D.C. Police Station, Ahmednagar, for the offences punishable under Sections 306, 498A, 323, 504 and 506 of the Indian Penal Code.
3. It has been argued for the applicant that the presumption under Section 113A of the Indian Evidence Act would not apply as the marriage was old more than seven years. The applicant is languishing in jail for one year. False allegation has been levelled against him that he used to beat her. In a span of ten years, there were no complaints. The applicant is the only breadwinner of his family. He may be granted bail.
4. Learned A.P.P. submits that the sole eyewitness is son of the

accused who has categorically stated how the cruelty was caused to the deceased. The conduct of the applicant is sufficient to believe that it was none else but the applicant who compelled the deceased to commit suicide. The wife who was living for ten years, was regularly beaten mercilessly by iron rod, banging her head against wall, uprooting her hairs and pressing her mouth.

5. In this case, the sole eyewitness is a son. He has categorically stated the cruelty caused to the deceased mother by the applicant. The sole eyewitness has made serious allegations against the applicant. There is great possibility of winning over or pressurizing the sole eyewitness. The acts of the applicant are apparently cruel. He did not show mercy towards deceased wife. *Prima facie*, strong evidence is available against the applicant. For the safety of the witness, it would not be safe to release the applicant on bail. Hence, the application stands dismissed.

6. The Secretary, High Court Legal Services Sub-Committee, Aurangabad, do pay the fees to the learned counsel appointed for applicant, as per the schedule.

7. These are the *prima facie* observations for the purposes of bail only.

(S. G. MEHARE)
JUDGE