



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

8 BAIL APPLICATION NO. 670 OF 2024

MAHESH NANDURAM YADAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Sudarshan J. Salunke.
APP for Respondent/State : Mr. Rajdeep D. Raut.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 06th May, 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.351 of 2023, registered with Sonpeth Police Station, District Parbhani, for the offences punishable under Sections 302, 201 and 109 read with 34 of the Indian Penal Code.

3 It is averred in the report that the daughter-in-law of the informant was having illicit relationship with this applicant. The son of this informant, namely, Balu was addicted to the liquor. The applicant took him on motorcycle and made him to drink the liquor. Then he took him to the farm of one Audumbar Yadav and gave him electric current and after his death, his body was buried there in the sugarcane crop.

4 Initially, the missing report was lodged. After seven months, the decomposed skeletal bones of Balu were found. It was identified because of the threads, which were tied around his hand. Thereafter, the report was lodged against this applicant and the wife of Balu.

5 The learned counsel for applicant submitted that there is no evidence of last seen or the alleged call details. Except the alleged motive, there is no such evidence to corroborate it. The applicant has roots in the society. He will not flee away from the trial. It is lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious crime of murder. There is strong motive and statements of witnesses show that the applicant took Balu on the motorcycle of one Maharudra Yadav and thereafter, he took him and committed his murder. He submitted that the DNA report is awaiting. He further pointed out the statement of witness Ganesh Yadav in which he has stated that the applicant inquired as to whether current is given surrounding to the agricultural land of Audumbar Yadav. Thus, he assured that there is electric current in order to kill Balu by electrocution. 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 postmortem report. No any injury is noted to any of bone of Balu. There is no any evidence of last seen of the applicant with Balu prior to the incident. Considering all these aspects and the fact that the applicant has no criminal antecedents, he has roots in the society, he will not flee away from the trial, investigation is over 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.351 of 2023, registered with Sonpeth Police Station, District Parbhani, for the offences punishable under Sections 302, 201 and 109 read with 34 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.
 - c) The applicant shall not enter into village Khadka, Taluka Sonpeth, District Parbhani, till the conclusion of trial.

- III. If breach of any 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.

[SANJAY A. DESHMUKH, J.]

nga