

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1054 OF 2024

Mahesh Janardhan Jadhav

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Shermale K. N.

APP for Respondent/State : Mr. D.J. Patil

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CORAM : S.G. MEHARE, J.

DATED : JULY 11, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.254 of 2023 registered with Rajur Police Station, District Ahmednagar for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code.
3. The deceased was the wife of the applicant. He had lodged the missing report. However, the dead body of the victim was found lying on the spot of the incident. The prosecution relies upon the CDR but those are not furnished with record.
4. The applicant's case is that he being the husband of the deceased has been falsely implicated in the crime. The prosecution witnesses did not support the prosecution case. The evidence against

the applicant is the recovery of string which was allegedly used to ligature the neck.

4. Perusal of the papers reveals that the prosecution has no theory of last seen together. Only on the basis of confessional statement, the prosecution has proceeded to investigate the matter. However, the police could not collect the material evidence against the applicant. The burden is on the applicant to prove where the deceased was left. This may be a matter of merit. Considering the material collected against the applicant, the Court is of the view that his detention would serve no purpose. However, certain conditions should be imposed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Mahesh Janardhan Jadhav, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;
 - (a) The applicant shall not tamper with the prosecution witnesses and shall attend the trial on each and every date.
 - (b) The applicant shall not enter Village Wanbori for four months from the date of his release.

(3)

- (c) The applicant shall not contact the children, who are witnesses to the incident.
- (d) The applicant shall not involve in the identical crime.

(S.G. MEHARE, J.)