



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

BAIL APPLICATION NO. 1148 OF 2024

SANTOSH SARJERAO GADE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Sudarshan J. Salunke, Advocate for Applicant

Mr. B.B. Bhise, APP for Respondents/State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 25th JULY, 2024

PER COURT :

1. By this application filed under Section 439 of Cr.P.C., applicant seeks bail in C.R. No.27/2024, registered with Chakalamba Police Station, Beed, for offence punishable under Sections 302, 498-A, 323 r/w 34 of the Indian Penal Code.

2. FIR is lodged by brother of the deceased Swati alleging that applicant was married to his sister Swati prior to 15 years. She had one son and one daughter out of said wedlock. Applicant and and her in-laws i.e. father-in-law and mother-in-law treated Swati well for 3 years after the marriage and thereafter, they started demanding amount of Rs.5 Lakhs for purchasing tractor. Informant's father gave Rs.5 Lakhs to applicant, but accused again demanded Rs.2 lakhs for equipments of the tractor. All accused used to ill-treat Swati physically and mentally for satisfaction of said demand. As the financial condition of informant and his parents was not good,

they could not satisfy the demand made by accused. In February, 2024 Swati and her husband i.e. applicant had gone Kedareshwar Sugar Factor, Gulaj, for labour work of cutting sugarcane crop. On 07/02/2024, informant went to meet his sister Swati at Gulaj but he did not find her there, hence, he made inquiry about her to applicant. Applicant told that there was a quarrel between him and informant's sister in the morning at 10:00 a.m. and then she left the agricultural field and did not return. Then informant and his cousin Sambhaji Korde started searching his sister Swati in the locality, but they could not trace her. Thereafter, informant, his father, uncle and cousin went to Chakalamba Police Station and lodged complaint about missing of Swati. According to prosecution, Swati was found in a well in the said agricultural land in dead condition.

3. Pursuant to the registration of crime applicant is arrested on 11/02/2024. Charge-sheet is filed in present crime on 09/05/2024 and the case is numbered as Sessions Case No.83/2024. Perusal of charge-sheet shows that except last seen together, *prima facie*, there does not appear any material to connect applicant with the crime punishable under Section 302. Statements of eye witnesses indicate that deceased was slapped by applicant and there was altercation between applicant and deceased in their presence and deceased left from there, and thereafter she could not be found. Her dead body was thereafter found in the nearby well.

4. Trial is not likely to conclude in the near future. This is not a case where pre-trial detention of applicant is necessary. Application is, therefore, allowed. Applicant be released in C.R. No.27/2024, registered with Chakalamba Police Station, Beed, for offence punishable under Sections 302, 498-A, 323 r/w 34 of the Indian Penal Code, on executing P.B. and S.B. of Rs.25,000/-, with one surety in the like amount. Applicant shall not tamper the prosecution evidence.

(NITIN B. SURYAWANSHI, J.)