



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1506 OF 2024

VITTHAL MAHADEV KURNE
VERSUS
THE STATE OF MAHARASHTRA

Mr. P. P. More, Advocate for the applicant
Mr. S. B. Pulkundwar, APP for the respondent/State

CORAM : S. G. MEHARE, J.
DATE : 18th SEPTEMBER, 2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant seeks bail in Crime No.132/2024 registered with M.I.D.C. Police Station, District Latur for the offences punishable under Sections 302, 495, 109, 452, 34 of the Indian Penal Code and Section 135 of Maharashtra Police Act.
3. The prosecution has the case that the applicant had illicit relationship with co-accused who murdered his wife. The applicant was residing with the co-accused. The applicant and the co-accused plotted the conspiracy. Therefore, the co-accused executed the conspiracy and murdered the deceased wife of the applicant.

4. The papers reveals that the co-accused who committed the murder of the deceased was present in the house where the incident happened holding the knife in her hand.

5. The learned APP would submit that the applicant has played a role in eliminating the deceased because he and the co-accused had illicit relationship. They wanted to marry. Hence the deceased was eliminated. The deceased and the applicant had love marriage. Therefore, her parents were not happy. Therefore, she could not resist the illicit relationship of the applicant with the co-accused. However, she had orally complained to her relatives. The applicant has no reason to arrive at the spot of incident soon after the incident. The circumstances are strong against the applicant. It was a brutal murder. Hence, he may not be granted bail.

6. Learned counsel for the applicant submits that except the allegations of conspiracy there are no other circumstances to believe that the applicant was in conspirator. In ordinary course, he came to the spot immediately after the incident and had he any motive, he would not reach the spot of the incident. These circumstances are sufficient to believe that the applicant never instigated the co-accused and plotted the conspiracy to eliminate

the deceased. The deceased was knowing well the co-accused. The incident happened in the residential room in a flat. There is nothing against the applicant. Hence, he may be granted the bail.

7. Perused the papers. The circumstances against the applicant are in sufficient at this juncture to believe that he had a direct role in the crime. The Court has sympathy with the deceased who has lost the life by brutal murder. Question is of the role attributed to the applicant as discussed above and the circumstances against the applicant are not sufficient to keep the applicant behind the bar at this juncture. Hence the order :-

ORDER

- i) The application is allowed.
- ii) Applicant – Vitthal Mahadev Kurne be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He should not tamper with the prosecution witnesses.
 - (b) He should not contact the co-accused till the trial is concluded.

(S. G. MEHARE, J.)

ssp