



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

BAIL APPLICATION NO. 1559 OF 2024

DATTA RAMRAO PATOLE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Satej S. Jadhav
APP for Respondent : Mr. G. O. Wattamwar

...
WITH
CRIMINAL APPLICATION NO. 4027 OF 2024 IN BA/1559/2024

YOGESH S/O. SURYABHAN RITHE
VERSUS
DATTA RAMRAO PATOLE AND ANOTHER

...
Advocate for complainant : Ms. Shubhangi D. More
...

CORAM : S. G. MEHARE, J.

DATE : 07-10-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.
2. The applicant seeks bail in C.R.No.0106 of 2024 registered with M.I.D.C. Cidco Police Station, Aurangabad, for the offences punishable under Sections 302, 504 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.
3. It is a case of murder of father in law arising out of matrimonial dispute. The deceased and the applicant had

matrimonial dispute. Therefore, the wife of the applicant was residing with her parents. However, on the day of the incident, the brother of the applicant went to the house of the deceased. He called him there for apologies. He started abusing his sister and after some abusive words, he threatened her. Hence, the deceased caught him. They had a scuffle. The applicant had pushed him out of the house. He took out a knife and stabbed his father-in-law. Due to the injuries, he died.

4. The applicant has a case that he tried to fetch his wife back on many occasions. However, the father-in-law was not sending her. On the day of the incident also, he was ready to fetch his wife back, but the deceased was not agreeable for the applicant to send his wife back. Since the applicant was irritated due to the acts of the deceased as he was hurdle in his matrimonial life, in a fit of anger, he assaulted the deceased. One child is residing with the brother who tried to settle the dispute. As per contention of the learned counsel for the victim, the daughter is residing with her mother.

5. The learned A.P.P. for the State and the learned counsel for the victim have strongly opposed the application. They submit that the applicant had been there to fetch his wife back. He had no reason to carry a knife with him. Carrying a knife with him shows that the applicant was determined to do a wrong. It seems that

after the incident, the brothers of the applicant had threatened the wife of the applicant on telephone that there was an apprehension to the life of the eyewitnesses. It has also been argued that the offence is grave and serious. It was an intentional act. In no way, it is an act in the fit of anger. The applicant was aggressive. Therefore, witnesses should be protected from apprehension of threatening them.

6. Perused the papers and the chargesheet.

7. Considering the submissions made by the respective learned counsels, it may be correct to say that in ordinary course of routine life, the person who goes to fetch his wife back should not carry a knife. However, in the case at hand, the applicant had an experience that earlier to the incident there were hurdles in fetching his wife back. He was not agreeable for condition to apologies for fetching his wife back. There is a scope to believe that the incident might have happened in a fit of anger. It was a solitary blow. The native of the applicant is at a reasonable distance from the place of the incident. The investigation has been completed. Nothing is to be recovered from the applicant. The trial may take its time. However, an apprehension of the prosecution of tampering with the prosecution witnesses may be guarded by imposing certain conditions. Hence, the order:-

ORDER

- i) The bail application is allowed.
- ii) Applicant - Datta Ramrao Patole 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 enter the place where his wife is residing till the trial is concluded.
 - (c) He should attend the trial on each and every effective dates.
- iii) Criminal Application No.4027 of 2024 stands disposed of.

(S. G. MEHARE)
JUDGE

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