



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 BAIL APPLICATION NO. 1626 OF 2024

SAINATH DINKAR GARAD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Syed G. R.
APP for Respondent-State : Mr. V. S. Choudhari.

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CORAM : S. G. MEHARE, J.
DATE : 21.10.2024

PER COURT :-

1. Heard the learned counsel for the applicants and learned APP for the respondent-State.
2. The applicants seek bail in Crime No.814 of 2022, registered with Shevgaon Police Station, District Ahmednagar, for the offences punishable under Sections 302, 201, 120-B of the IPC.
3. The prosecution case in brief was that the applicants are the parents of deceased. The daughter of the applicants was in love with the first informant. However, they were strongly opposing their relations. Therefore, they were threatening the first informant and forcing him to leave the deceased. The deceased made a phone call to the applicant 04.10.2022 and

told that her family members were threatening her to kill. Again, he was threatened. However, on 07.10.2022, at about 9.30 p.m., he received the phone call of the deceased. She was telling him that his family members were beating her. So, he should come to protect her. He talk to the applicant Chhya and told that please do not beat the deceased he is ready to leave her. However, the applicant Chhya told him that even if he is ready to leave her, she is not ready to leave him. She is the village Sarpanch. So, they had lost their reputatiion in the society. Hence, in morning they would kill her. On next day, morning he learnt that the applicants and other family members killed the deceased. After killing her, she was immediately cremated.

4. Learned counsel for the applicant would submit that there is no substantial evidence against the applicants. They never intended to kill the victim. The deceased had committed suicide. The report was lodged to the police. However, the police did not take any action. The report is falsely lodged. Nothing was recovered from them. Hence, they may be granted bail.

5. Learned APP would submit that there was an eye witness to the incident of beating the deceased. The dead body of the

deceased was cremated hurriedly in the next morning. No report of suicide was lodged as such. The circumstances are suspicious against the applicants. The first informant was the last person whom the deceased told that the parents are beating her and the applicant Chhya told him that they would kill her in the morning. It is a case of honour killing. The offence is serious. Hence, they may not be granted bail.

6. Perused the papers. Prosecution has *prima facie* evidence that on the day of the incident when the deceased called the first informant, she was mercilessly beaten and suddenly and hurriedly on the next day she was cremated. The applicant even did not wait till the police came to the spot. Threats were given to the first informant on the day of incident and on two occasions before. There appears force in the submissions of the learned APP that it is a honour killing. Considering the gravity of the offence and the way in which the offence is committed, the bail application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-