



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1777 OF 2024

1. Balaji Shivaji Shinde
2. Shivaji Laxman Shinde

VERSUS

The State Of Maharashtra

WITH
ANTICIPATORY BAIL APPLICATION NO. 1643 OF 2024

Saraswati @ Balikabai Shivaji Shinde

VERSUS

The State Of Maharashtra And Another

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Mr. S. S. Jadhav, Advocate for Applicants

Mr. S. B. Jadhav, APP for Respondents

CORAM : R.M. JOSHI, J

DATE : NOVEMBER 25, 2024

COMMON ORDER :

1. Bail Application No. 1777/2024 is filed by the husband and father-in-law of the deceased for regular bail. Whereas, ABA No. 1643/2024 is filed by the mother-in-law of the deceased seeking pre-arrest bail in connection with Crime No. 190/2024 registered with Malkoli Police Station, Dist. Nanded for the offences punishable under Sections 85, 80(2), 108, 351(2), 3(5) of the Bharatiya Nyaya Sanhita.

2. Learned Counsel for the Applicants submit that

now admittedly investigation into the crime is over with filing of the charge-sheet and as such, there is no need to keep them in custody. It is his contention that these Applicants have no criminal history and that they cannot be kept behind the bars by way of pre-trial punishment. In so far as Applicant seeking anticipatory bail is concerned, she is lady. It is argued that the allegations against mother-in-law and father-in-law of the deceased are omnibus in nature.

3. Learned APP opposed the Applications on the ground of seriousness of the crime.

4. Since admittedly investigation is over with filing of the charge-sheet, there are no other circumstances which required the Applicants in BA/1777/2024 to be kept in custody. It is a fit case to enlarge them on bail. As far as the mother-in-law of the deceased is concerned, as rightly pointed out by the Counsel for the Applicants that the allegations against mother-in-law is omnibus in nature, in any case since the investigation is over, her custodial investigation is not necessary. This Court also finds substance in the contentions of learned Counsel for the

Applicant that Applicants cannot be kept behind the bars as pre-trial punishment.

5. In view of above, applications stand allowed.

Hence, the order:

O R D E R

- (i) Anticipatory Bail Application No. 1643 of 2024 is allowed by confirming interim order dated 30.09.2024.
- (ii) Applicants in BA/1777/2024 in connection with Crime No. 190/2024 registered with Malkoli Police Station, Dist. Nanded for the offences punishable under Sections 85, 80(2), 108, 351(2), 3(5) of the Bharatiya Nyaya Sanhita be released on bail on executing PB and SB of Rs. 20,000 (Rupees Twenty Thousand Only) each with one surety in the like amount.
- (iii) They shall attend the concerned police station as and when required.
- (iv) They shall not contact the witnesses directly or indirectly.
- (v) They shall not interfere with the evidence in any manner whatsoever.

(R.M. JOSHI, J.)