



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

34 BAIL APPLICATION NO. 2356 OF 2023

KIRAN RAJARAM SHRIMANDILKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Abhijeet Khandre a/w Ms. Akshara S. Madake & Mr. Tushar Hilal,
Advocate for Applicant.

Mr. Mukesh K. Goyanka, APP for Respondent/State.

Mr. G. R. Syed, Advocate to assist the Prosecution.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 22nd January, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.1107 of 2023, registered with Parner Police Station, District Ahmednagar, for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

3 It is averred in the report that the applicant committed murder of daughter-in-law and her son by driving car on their persons. The informant Chandrakala Shivaji Yenare averred in the report that on

23rd November, 2023, her daughter-in-law Shital and her son Swaraj were sitting in front of the house adjacent to the water tank. She heard noise of dash. She immediately rushed to the courtyard of her house. She saw that her daughter-in-law and grandson Swaraj were under the car having red colour. They both were crying. The peoples gathered there. Both of them were taken out. The applicant was on the seat of driver of that car. He was not coming out of that car. Both the injured were taken to Sayyed Hospital, Parner. Thereafter, they were taken to the hospital at Ahmednagar. They both succumbed to the injuries on that night.

4 The report was lodged on the second day i.e. on 24th November, 2023 at 04:05 pm in the Parner Police Station, District Ahmednagar.

5 The learned counsel for applicant submitted that the applicant is an interior designer. He has no criminal antecedents. He admits that accident occurred, however, Sections 302 and 201 are wrongly invoked against him. There are false allegations against the applicant that because of the earlier enmity on account of encroachment and dispute on account of wall, the applicant is alleged to have committed the murder of the daughter-in-law and grandson of the informant. The learned counsel for applicant pointed out the

photographs of the spot of incident. He submitted that there is delay for lodging the report and because of the pressure of the peoples gathered there, the applicant is booked for the offence punishable under Section 302 of the IPC. It is lastly prayed to allow the application.

6 The learned APP for the State and the learned counsel assisting to the prosecution strongly opposed the application and submitted that the applicant has committed serious crime and two innocents are killed by him. It is further alleged that the applicant was under influence of liquor and therefore, the accident occurred. For that, a statement of Gaurav Gitaram Ruikar is pointed out, in which it is stated that at about 02:00 pm, he alongwith the applicant consumed beer of Magnum made by sitting in that car and thereafter, applicant proceeded to his house. The APP for the State submitted that applicant is involved in the serious crime. The hairs of the daughter-in-law of the informant were stuck to the wall. Considering serious nature of the crime, it is lastly prayed to reject the application.

7 Perused the papers of investigation, particularly, the FIR and the statement of the informant recorded under Section 164 of the Code of Criminal Procedure, in which she has stated that the quarrel used to take place frequently between the father of applicant and the

informant's family and therefore, the applicant committed murder of her daughter-in-law and grandson. Admittedly, there is no medical examination of the applicant on the point of consuming of beer.

8 There is no criminal antecedents of the applicant. There is no documentary evidence showing that there was earlier enmity between the applicant and the informant's family on account of wall or property. The delay caused for lodging the report is also not explained. Considering all these aspects and particularly the fact that practical investigation is over, the applicant has roots in the society and he will not flee away from trial, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.1107 of 2023, registered with Parner Police Station, District Ahmednagar, for the offences punishable under Sections 302 and 201 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.1,00,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses.
 - b) The applicant shall not tamper with the prosecution

evidence, in any manner.

- c) The applicant shall not enter into village Parner Gauthan, Taluka Parner, District Ahmednagar till conclusion of trial.

9 It is made clear that all these observations are *prima-facie* in nature for the purpose of deciding the present application only and the Trial Court shall not be influenced by the same while concluding the trial.

[SANJAY A. DESHMUKH, J.]

nga