



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 BAIL APPLICATION NO. 1629 OF 2024

VINAYAK PUNDALIK MUDGULE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Prashant Prabhakar Giri.

APP for Respondent/s-State : Mr. S. P. Sonpawale.

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CORAM : S. G. MEHARE, J.

DATE : 21.10.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.40 of 2024, registered with Sonkhed Police Station, District Nanded, for the offences punishable under Sections 302, 498-A, 323 read with Section 34 of the IPC.
3. The applicant has a case that the parents of the deceased had no complaints of ill treatment any time. The victim was suffering from Hemoglobin deficiency. A day before the incident, his father took her to the hospital and she was under the treatment. Since she had hemoglobin deficiency, she fell down in kitchen, probably, on the stone kitchen platform and

suffered the injury. After her fall, the father of the applicant immediately took her to the hospital and she was treated there. The applicant was not in the house at the time of the incident and there are no witnesses to that incident.

4. Learned APP would submit that considering the nature of the injuries and her death caused by fallen down in kitchen raised doubt. She died of the head injury. Her cause of death is “smothering with constriction of neck, associated with evidence of head injury”. So, the case of the applicant cannot be ruled out.

5. Perusal of the spot panchnama reveals that there was a stone kitchen platform in the kitchen and blood was also found there. The father-in-law of the deceased immediately took her to the hospital. The father of the deceased had no complaint against the applicant. On the contrary, he was saying that the deceased and applicant were living happily. In the situation, the injuries sustained to the applicant cannot be denied by falling on the stone kitchen platform. No weapon was used in the crime. It was an untimely death. The applicant appears to have not played an active role. He is detained in jail for sufficient time. Charge sheet has been filed. Hence, he deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **VINAYAK PUNDALIK MUDGULE** be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) The applicant should not tamper with the prosecution witnesses.
 - (b) He should attend the trial on each and every effective date.

(S. G. MEHARE, J.)

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vmk/-