



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

BAIL APPLICATION NO. 141 OF 2025

Rajabhau s/o. Narayan Nagargoje
Age: 38 years, Occu.: Agri.,
R/o. Tadsonna,
Tq. and Dist.Beed.

....Applicant

Versus

The State of Maharashtra
Through P.I.Police Station,
Pimpalner, Tq. And Dist.Beed.

.....Respondent

.....
Advocate for Applicant : Mr.R.G.Hange h/f. Mr. Anirudh R. Hange
APP for Respondents: Mr.N.D.Batule

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 11 MARCH, 2025

PRONOUNCED ON : 12 MARCH, 2025

ORDER :

1. Applicant is seeking bail on account of his arrest in crime no.0265 of 2024 registered at Pimpalner Police Station, District Beed for offence under Sections 103(1), 115(2), 352, 351(3) of the Indian Penal Code (IPC)
2. Pointing to the date of arrest of applicant as 02-10-2024, it is submitted that alleged occurrence is of 01-10-2024. That, there are allegations of administering poison, however, according to learned

counsel, such information was passed by deceased on telephone to another neice of informant namely Taramati, but her telephone is not seized by Police machinery and even the phone on which alleged information was passed is not seized. There is some transcript of telephonic conversation of which no hash value is recorded. According to him, it is not proved whether it was consumption or administration. That, marriage is of 17 years old. There, there was no previous complaint. That, now investigation is over and chargesheet is filed in December 2024. Thus, according him, when nothing is shown to be recovered or discovered at the instance of applicant, no purpose would be achieved by further continue detention, as according to him, there are no immediate prospects of matter being committed, charge being framed or matter going for trial.

3. Learned APP opposed application on the ground that serious offence of murder is committed. That, there are allegations of administering poison. That, there was injury to the rear part of neck i.e. neb. That, investigating machinery has gathered transcript of alleged conversation and its panchanama is drawn on 07-10-2024 wherein there is clear conversation of deceased alleging

administration of poison. That, even Autopsy Surgeon attributed death due to poisoning. That, statement of child witness is there. Therefore, for above reasons, as there is serious charge, learned APP opposed bail application.

4. Heard. Perused the papers. FIR seems to be at the instance of one Pandurang Kindalik Mundhe, who is maternal uncle of deceased. He reported Police on 02-10-2024 that his cousin sister's daughter Anita was married 17 years ago to applicant and they had children aged 15 years and 12 years respectively. According to him, applicant was addicted to liquor and on domestic counts, there use to quarrels, abuses and even threats to kill. On 01-10-2024, he claims to receive a call from niece deceased Anita informing that on domestic count, her husband beat her and administered her poison. Therefore with the help of one Parmeshwar Bhagwat Mundhe, Anita was shifted in the vehicle and he further states that while being taken to hospital, he claimed to have asked her and she told that because of domestic quarrel with her husband, there was beating in the field and chemical brought for spraying was administered to her. After stating so, she fell unconscious and thereafter, she died. Informant further claims that there was telephonic conversation of his niece deceased Anita

with another niece Taramati. Statement of Taramati is also recorded wherein she reported that, on 01-10-2024 at around 11:55 a.m. she received a call from her cousin sister Anita informing that she has been administered poison. This witness claims that when she questioned her, it is stated that it is allegedly told by deceased that husband administered her poison. She claims that she handed over recorded telephonic conversation to Police. However, firstly FIR is of 02-10-2024 inspite of informant receiving telephone call from deceased at around 01-10-2024 at around 11:30 a.m. Similarly, Taramati, on whose mobile there was a call from Anita and which was allegedly recorded, her statement is also shown to be recorded, not on 02-10-2024, but on 07-10-2024. Now investigation is said to be over and chargesheet is reported to be filed in December, 2024. There is nothing to indicate that matter being committed, when charge would be framed and when trial would commence.

5. Therefore, taking the above discussion into consideration, as no purpose would be served by further continue detention of the applicant, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Rajabhau s/o. Narayan Nagargoje be released on bail in connection with Crime no.0265 of 2024 registered with Pimpalner Police Station, Dist.Beed on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not enter into vicinity of village Tadsonna, Tq. and Dist.Parbhani, till conclusion of trial.

(ABHAY S. WAGHWASE)
JUDGE