



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

BAIL APPLICATION NO. 258 OF 2025

WITH

CRIMINAL APPLICATION NO. 728 OF 2025

IN BA/258/2025

- 1) Maroti Ramkishan Jaybhaye
Age: 62 years, Occu.: Agri.,
R/o. Bori (Kd), Tq.Kandhar, Dist.Nanded.
- 2) Anusaya w/o Maroti Jaybhaye
Age: 562 years, Occu.: Household,
R/o. Bori (Kh.), Tq.Kandhar, Dist.Nanded. ..Applicants
(Orig. Accused no.2 & 3)

Versus

- . The State of Maharashtra
Through Police Station, Tq.Malakoli,
Dist.Nanded. ..Respondent

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Advocate for Applicant in BA/258/2025 : Mr. Hamzakhani I. Pathan
APP for Respondent : Ms.Vaishali S.Chaudhari
Advocate for assist to PP : Mr. Ganesh P. Shinde

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 03 MARCH, 2025

PRONOUNCED ON : 04 MARCH, 2025

ORDER :

1. Both applicants, who are parents-in-law of deceased Bhagyashri, are seeking grant of regular bail on account of their arrest in crime no.0135 of 2023 registered at Malakoli Police Station, Nanded for the offence under Sections 302, 304(B), 498-A r/w 34 of

the Indian Penal Code (IPC).

2. Criminal Application No.728 of 2025 is filed by informant seeking permission to assist learned Public Prosecutor. For the reasons mentioned in the application, said application is allowed.

3. Learned counsel for the applicants submitted that present applicants are falsely implicated. That, initially there are general allegations of ill-treatment for giving birth to only girl child and that, in-laws and husband wanted a male child. It is further pointed out that marriage is of 2019. That, husband, who was in Army, was posted outside. That, there was no complaint previously of any sort even when there were allegations. That, there are allegations of demand of Rs.4,00,000/- for constructing house. Learned counsel submitted that on 13-09-2023, applicant's son Eknath allegedly throttled his wife Bhagyashri and a minor daughter namely Saraswati. That, in such occurrence, there are no allegations against parents-in-law. That, main accused, their son Eknath, is already behind bars. As regards to occurrence of 13-09-2023 is concerned, no role is attributed to applicants. That, on sweeping allegations, husband and parents-in-law are behind bars since September 2023. That, even investigation is over and chargesheet is filed way back in

October 2023. That, no further recovery or discovery is to be made. Hence, learned counsel seeks grant of bail.

4. Learned APP opposed application on the ground that there is double murder. That, there are allegations against present applicants, who are parents-in-law of Bhagyashri for subjecting her to mental and physical cruelty. That, there is demand of Rs.4,00,000/- for construction of house. Learned APP fairly conceded that as regards to occurrence on 13-09-2023, allegations are only against husband Eknath, who had allegedly come on leave while serving in Army. However, learned APP seeks rejection of application for allegations against both applicants in the capacity of in-laws for demanding money.

5. Learned counsel, who appeared for original informant, also opposed application on the ground that parents-in-law are also involved in mal-treatment and demand. That, there are allegations of subjecting Bhagyashri to mental and physical cruelty and hence, their bail application is sought to be rejected. That both applicants were present in house when alleged incident took place.

6. Heard. Perused the FIR at the instance of one Daivshala, who

reported Malakoli Police Station, Dist.Nanded, dated 13-09-2023 and the substance of the FIR is that, her daughter Bhagyashri was married to Eknath Maroti Jaibhaye, who was a Soldier in the Army in 2019. Out of wedlock, they had one daughter. Informant mother has alleged that after 2-3 years, there was ill-treatment to their daughter Bhagyashri for delivering a girl child and that they want a son. It is also alleged that they made demand of Rs.4,00,000/- for construction of house and for upbringing of the girl child and subjected her to mental and physical cruelty. It is alleged that 8-10 days back, son-in-law Eknath had come on leave. She has reported that he insisted Bhagyashri to go for sex determination of the foetus when Bhagyashri was pregnant of eight months to which she allegedly refused. He allegedly threatened to finish her, if she delivers yet another girl child and this was allegedly reported by Bhagyashri to her mother. It is further reported that on 13-09-2023 a phone call was received on the mobile of her husband from their son-in-law i.e. accused Eknath informing that he has committed murder of their daughter and grand-daughter. Therefore, all relatives went to her house and to this extent, FIR has been lodged. Therefore, as submitted apparently marriage is of 2019. There are allegations of ill-treatment against husband and in-laws for delivering a girl child.

However, as submitted till the date of occurrence i.e. 13-09-2023, for about four years, there was no complaint. Regarding occurrence of 13-09-2023, allegations are directed against non-applicant Eknath i.e. husband of deceased Bhagyashri. Thus, no overt act or any allegation is levelled against present applicants, who are parents-in-law. Now investigation is over and chargesheet is already filed in October, 2023 itself. Therefore, for about one and half year, applicants are behind bars. When nothing further is shown to be recovered or discovered at their instance, no purpose would be served by detaining them further. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicants (1) Maroti Ramkishan Jaybhaye and (2) Anusaya w/o Maroti Jaybhaye be released on bail in connection with Crime no.0135 of 2023 registered with Malalkoli Police Station, Dist.Nanded on executing Personal Bond of Rs.15,000/- each with one surety in the like amount each.
- (iii) Applicants shall not tamper prosecution evidence.
- (iv) Criminal Application No.728 of 2025 is disposed of.

(ABHAY S. WAGHWASE)
JUDGE