



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 417 OF 2025

Rameshwar Jagannath Thosar,
Age : 36 years, Occu. : Agriculture,
R/o. Sindkhed, Tq. Georai,
Dist. Beed.

... Applicant

Versus

1. The State of Maharashtra,
Through Officer In Charge,
Police Station Georai,
Dist. Beed.

2. The Superintendent of Police,
Beed, Dist. Beed.

... Respondents

.....
Mr. Sudarshan J. Salunke, Advocate for Applicant.
Mr. P. K. Lakhotiya, APP for Respondent - State.
Mr. H. R. Hange, Advocate for Informant.
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 16 APRIL 2025

PRONOUNCED ON : 17 APRIL 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in Crime No. 482 of 2024 registered at Gevrai Police Station, Dist. Beed for offence punishable under sections 103, 238, 61(2) of Bharatiya Nyaya Sanhita.

2. Learned counsel for applicant submitted that, there is

false implication. That, applicant is arrested on 05.11.2024. He pointed out that, FIR is of 31.10.2024, even when occurrence is of 22.10.2024. That, applicant's name does not figure in the FIR. That, allegations are against son-in-law Dnyaneshwar. That, FIR is lodged merely on suspicion. That, daughter of deceased was married to co-accused did not cohabit with him and he suspected that deceased mother-in-law was responsible for the same. Therefore, it is alleged that, son-in-law committed murder of mother-in-law after allegedly taking her for *Devdarshan*. That, initially missing was lodged. That, investigation did not reveal any incriminating against present applicant. That, there is no direct evidence. That, case is based on circumstantial evidence, which are apparently weak in nature. That, statements of witnesses reflect that only applicant allegedly used the same way which was allegedly used by main accused while in the company of deceased. According to learned counsel, such statement do not amount to last seen. Now, investigation is over and charge sheet is filed in January 2025 and when no further recovery or discovery is to be made, learned counsel urges for grant of bail.

3. Learned APP as well as learned counsel for informant opposed on the ground that, though applicant is not named in the FIR, investigation revealed his involvement. That, witnesses had

seen present applicant following main accused, who took deceased towards the well of the field, wherein deceased was found dead on account of head injury. That, there are statements of witnesses like Govind and Sandipan and they have seen present applicant hurriedly going on motorcycle. According to learned APP, though case is based on circumstantial evidence, circumstance of last seen is sufficiently strong. For all above reasons, they both have opposed the bail.

4. Heard. Perused the papers. FIR dated 31.10.2024 is at the instance of one Ganesh Takat, who is brother of deceased. Substance of the FIR is that, his niece was married to Dnyaneshwar. He reported that his niece was unwilling to go to her matrimonial home. Dnyaneshwar husband of his niece formed opinion that his wife did not come to cohabit only because of his mother-in-law. Therefore, on 20.10.2024 he took his mother-in-law i.e. informant's sister on motorcycle for religious purpose to temple, but his sister did not return and so missing was lodged. Informant claims that he suspected Dnyaneshwar to be behind the missing. On 31.10.2024, dead body of Renuka was found and after it being fished out, there was head injury and hence above report.

5. In the FIR apparently only Dnyaneshwar is named.

Case seems to be based on circumstantial evidence. As pointed out deceased allegedly went in the company of son-in-law Dnyaneshwar on 20.10.2024. Dead body of deceased was found in the well on 31.10.2024. Witnesses claim present applicant also seen going on motorcycle in the same direction in which Dnyaneshwar allegedly left with deceased. But, apparently such statements are recorded on 05.11.2024.

6. Now, investigation is over and charge sheet is filed in January 2025. Further course of trial is uncertain. Prima facie, role of applicant is not getting crystallized and allegations are against Dnyaneshwar. Consequently, when no purpose is shown to be achieved by further detention, relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

I. The application is allowed.

II. Applicant Rameshwar Jagannath Thosar be released on bail in connection with Crime No. 482 of 2024 registered with Gevrai Police Station, Dist. Beed, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not enter the vicinity where the informant and family members of deceased reside till conclusion of trial.

[c] The applicant shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)