



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 475 OF 2025

1. Kerba @ Pintu S/o Balaji Chopwad,
Age : 25 years, Occupation : Labourer,
2. Shivshankar @ Balu S/o Balaji Chopwad,
Age : 28 years, Occupation : Labour, R/o : Bamni,
Taluka Kandhar, District Nanded. ... Applicants

Versus

The State of Maharashtra,
Through Police Inspector, Usman Nagar Police Station,
Taluka Kandhar, District Nanded. ... Respondent

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Mr. Eknath G. Irale, Advocate for the Applicants.
Mr. V. M. Jaware, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 24.04.2025

Pronounced on : 25.04.2025

ORDER :

1. After hearing learned counsel for the applicants at length, when disinclination is shown to grant relief to applicant no.1, learned counsel for the applicants, on instructions, seeks leave to withdraw the application to the extent of applicant no.1. Kerba @ Pintu S/o Balaji Chopwad, with liberty to file application at later point of time.

2. Leave granted. The application of applicant no.1 Kerba @ Pintu S/o Balaji Chopwad is disposed off as withdrawn with liberty as prayed.

3. Applicant no.2 Shivshankar @ Balu S/o Balaji Chopwad seeks enlargement on regular bail in crime no. 0020 of 2025 registered at Usmannagar Police Station, District Nanded for offences punishable under Sections 80 and 85 of the Bharatiya Nyaya Sanhita (BNS).

4. Learned counsel pointed out that applicant no.1 is husband of deceased Anusaya. That, there are allegations that after six months of marriage, there was demand of money and for meeting the same, there was maltreatment. However, according to learned counsel, all allegations are general and omnibus. That, entire family has been roped in, including present applicant no.2, who is brother of applicant no.1. No specific role is attributed to him. Deceased allegedly consumed pesticide and died on 03.02.2025, but FIR is lodged on 04.02.2025. He further pointed out that, now investigation is almost over and mere formality of filing charge sheet has remained.

5. Learned APP opposed on the ground that present applicant no.1 is husband of deceased Anusaya, who consumed pesticide only because of demand and harassment. Even applicant no.2, who is brother-in-law of deceased, is named in the FIR. According to learned APP, investigation is still in progress and charge is not filed.

6. Heard. Perused the papers. Considering the same, this Court expressed its disinclination to consider bail application of applicant no.1, and consequently the same was not pressed and withdrawn. However, as regards present applicant no.2 is concerned, as pointed out, no specific role is attributed to him. He happens to be brother of main accused husband. Therefore, taking the same into consideration, relief as prayed against applicant no.2 deserves to be granted. Hence, I proceed to pass the following order:

ORDER

- I. The application is partly allowed.
- II. Applicant no.2 Shivshankar @ Balu S/o Balaji Chopwad be released on bail in connection with Crime No. 0020 of 2025 registered at Usmannagar Police Station, District Nanded, 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 attend the concerned police station twice in every week i.e. on every Monday and Thursday between 11.00 a.m. to 02.00 p.m. and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]