



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

BAIL APPLICATION NO. 1751 OF 2025

CHANDU DATTA POTRE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Prashant Prabhakar Giri

Addl.PP for Respondent/State : Mr. S. G. Sangle

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CORAM : MEHROZ K. PATHAN, J.

DATE : 17th NOVEMBER 2025

PER COURT :

1. The Applicant has approached this Court, praying for regular bail in connection with Crime No.202/2023 registered with the Bhokar Police Station, District Nanded for the offences punishable under Sections 498-A, 302, 304-B, 504, 102-B, 201 of the Indian Penal Code.

2. The case of the prosecution is that the Informant-Raju Nraayan Gundekar is resident of village Sonari Taluka Himayatnagar District Nanded. He is having 3 daughters who all are married. His daughter Ashwini was married prior to 7 years with accused no.3 Santosh. Out of their marriage, she has a daughter aged 3 years and a son aged 6 months. That, her marital life was always good. That, prior to 4 months of the incident, all accused were ill-treating her by making unlawful demand of some rupees for constructing house. Her husband used to abuse her in filthy language and the Applicant and

mother-in-law used to tease her by saying that her father did not give sufficient dowry in the marriage and she is not able to do household works. The other accused were also ill-treating her by making various comments. Ashwini used to narrate the incidents to her maternal relatives on phone.

. On 03.06.2023, Ashwini had made a phone call to her brother Yogesh and had told him that his husband and in laws are illtreating and beating her. She had also asked her brother Yogesh to come and take her to maternal home. That, on 04.06.2023 at around 08:00 am., Ashwini had again made a call to Yogesh and asked him to fetch her. After around half an hour, Yogesh made a call to Ashwini and asked her to be ready as he is starting to fetch her. At that time, Ashwini asked Yogesh to stop and don't come as her husband is not allowing her to go. At around 11.30 am., the husband of Ashwini made a call to informant and told him that a wild boar has attacked Ashwini and she is admitted in Civil Hospital Bhokar. That, when the informant was coming to Hospital, one person namely Goud made a call to him and told him that his daughter Ashwini is no more. Upon reaching Hospital, he saw that the Ashwini has sustained an injury of knife and her clothes are soaked in the blood.

. In this backdrop, an accidental death bearing no.42 of 2023 was registered immediately on 04.06.2023 at around 03:00 p.m. Thereafter, the crime bearing no.202 of 2023 got registered with Bhokar Police Station, Taluka Bhokar District Nanded for the offences punishable under Sections 498A, 302, 304-B, 504, 120-B, 201 of the Indian Penal Code on 04.06.2023.

3. The learned Counsel for the Applicant submits that the Applicant was arrested on 21.09.2023 and is behind bars for almost two and a half years. He further submits that the evidence against the Applicant, at the most, would make out a case under Section 201 IPC for destruction of evidence. The Applicant is deliberately dragged into the matter without there being any role attributable to him. It is his submission that rather the Applicant Chandu who is father-in-law of the deceased has tried to resolve the quarrel between the accused Santosh and the deceased. There is no recovery of any incriminating articles against the accused. He therefore submits that the Applicant has put in two and half years of imprisonment as an undertrial. He further submits that since the charges were framed in July 2025, not a single witness has been examined by the prosecution. He points out that several witnesses are still cited by the prosecution to be examined, and therefore the trial will take its own time to conclude. In the meanwhile, the Applicant may be released on bail on the ground of delay in trial.

4. As against this, the learned APP submits that the Applicant is alleged to have committed the murder of his daughter-in-law and to have destroyed evidence, on account of the non-fulfillment of a demand for dowry. He further submits that there is credible evidence collected in the form of various panchanamas conducted by the investigating agency. He further submits that the Applicant was occupant of the house, nearby the spot of incident which is 80 mtrs away from the residential house. Therefore the Applicant being

father of main accused Santosh is alleged to have helped and aided the accused in destroying the evidence after committing the murder. The main accused also has given a false information to the police authorities about the wild boar attacked to the parents of the deceased and the police authorities.

. It is further submitted by the learned APP Mr. Sangle that the identical application after filing of charge-sheet, was withdrawn before this Court by order dated 06.08.2024 passed in BA No.1274/2024. He therefore submits that the present application may not be entertained on merits. Insofar the delay in trial is concerned, learned APP submits that the prosecution will make an endeavour to complete the trial as early as possible and that the Applicant is behind bars only for about two and half years. Taking into consideration the heavy load of the trial courts and the considerable period required for commencement of trial, since the charges have already been framed, there is every possibility that the trial would also be completed expeditiously.

5. I have gone through the entire charge-sheet as well as the order passed by this Court dated 06.08.2024 in BA No.1274/2024, thereby allowing to withdraw the bail application, as this Court was not inclined. However as could be seen from the grounds raised in the present application, the Applicant has raised the ground of delay in conducting trial as not a single witness is examined and the Applicant is behind bars since 03.06.2023 that is about almost two and half years. The delay in trial defeats the fundamental right under

Article 21 of the Constitution of India. Looking to the Roznama annexed along with the application, there is no likelihood of the trial being concluded in the near future, as about 40 witnesses are yet to be examined by the prosecution. As such, I am inclined to release the present Applicant on the ground of delay in trial. Hence, the following order :

ORDER

- (a) The Bail Application is allowed.
- (b) The Applicant – Chandu Datta Potre in connection with Crime No.202/2023 registered with the Bhokar Police Station, District Nanded for the offences punishable under Sections 498-A, 302, 304-B, 504, 102-B, 201 of the Indian Penal Code, he be released on bail on furnishing P.B. of Rs.50,000/- (Rupees Fifty Thousands) with solvent surety of the like amount,, on the following conditions:
 - (i) The Applicant shall attend each and every date of the trial Court without fail unless exempted by the trial Court on emergent consideration.
 - (ii) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (iii) The Applicant shall submit his Aadhar and PAN Card to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.
 - (iv) A single default on the part of the Applicant would entitle the prosecution to seek cancellation of bail.

(c) The Application stands disposed of accordingly.

MEHROZ K. PATHAN
JUDGE

NATJEES..