



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2124 OF 2024

Basveshwar S/o. Vyankati Kasture,
Age : 40 years, Occu. : Auto Driver,
R/o. Petshivani, Tq. Palam,
Dist. Parbhani.

... Applicant
(Accused No.2)

Versus

The State of Maharashtra,
Through its Police Inspector,
Limbgaon Police Station, Tq. & Dist. Nanded.

... Respondent

.....
Mr. Panditrao S. Anerao, Advocate for the Applicant.
Mrs. Vaishali S. Chaudhari, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 19.03.2025

Pronounced on : 20.03.2025

ORDER :

1. Instant application is for grant of regular bail on account of arrest of applicant in Crime No. 146 of 2024 registered at Palam Police Station, Tq. Palam, Dist. Parbhani for offence punishable under section 302 r/w 34 of Indian Penal Code.

2. Learned counsel submitted that, applicant is arrested in above crime on 03.05.2024 and since then he is behind bars. That, applicant is not named in the FIR. He is arrested on suspicion of

committing murder of husband of co-accused. That, there are allegations of assault by means of spade and deceased allegedly died due to head injury, but according to learned counsel, there is no evidence either direct or circumstantial. Learned counsel pointed out that, investigation is over and charge sheet is already filed on 31.07.2024 itself. Resultantly, learned counsel urges for grant of bail when according to him nothing further is shown to be recovered or discovered at his instance.

3. Strongly opposing the above application, learned APP pointed out that, no doubt, FIR is against unknown person. However, according to her, investigation revealed more particularly from the statements of relatives and acquaintance of deceased that there was illicit relations between present applicant and wife of deceased. That, they both are behind the murder. Learned APP pointed out that, both are found to be in constant touch with each other on mobile and CDR suggests about it. Learned APP further pointed out that, applicant's wife herself has given statement regarding illicit relations between applicant husband and co-accused. She further pointed out that, there is seizure of blood stained articles as well as motorcycle used in the crime. For all above reasons, she opposes the relief.

4. Heard. Perused the FIR dated 03.05.2024 at the instance of Dhondiba Shevte, who is brother of deceased Kondiba and he has reported that, on 03.05.2024, he got telephonic message about his brother being done to death and lying on the cot. Therefore, he has lodged report. However, after funeral informant claims to have learnt about affair between his sister-in-law i.e. wife of brother and present applicant. Taking this clue, investigation seems to have been carried out and it was further revealed that present applicant and co-accused had illicit relations and as such there is motive to eliminate. As pointed out that, there is statement of very wife of present applicant, namely Vanita. There is CDR depicting continuous talk between applicant and co-accused. Therefore, taking above material into consideration, it cannot be said that there is no incriminating material. Resultantly, this court does not find it a fit case to grant relief.

5. The application stands rejected.

[ABHAY S. WAGHWASE, J.]