



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2198 OF 2024

Nitin Chandersen Salunke,
Age : 35 years, Occu. : Labour,
R/o. Tondoli, Tq. Ausa,
Dist. Latur.

... Applicant.

Versus

The State of Maharashtra,
Through Police Station Officer,
Gandhi Chowk Police Station,
Latur, Dist. Latur.

... Respondent

.....
Mr. P. P. More, Advocate for Applicant.
Mr. N. D. Batule, APP for Respondent – State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 10th MARCH, 2025

PRONOUNCED ON : 11th MARCH, 2025

ORDER :

1. This is a regular bail application on account of arrest of applicant on 19.11.2023 in Crime No.0548 of 2023 registered at Gandhi Chowk Police Station, District Latur for offence punishable under section 302 of Indian Penal Code (IPC).
2. Pointing to the date of arrest as 19.11.2023 and date of FIR dated 15.11.2023, it is submitted that, occurrence is of 14.11.2023. That, therefore there is delayed FIR. He pointed out that, applicant is said to have committed murder of his own brother-in-law. That, there are allegations of inflicting injuries by knife. According to him, on petty count of not sending sister,

occurrence has taken place. That, there was no premeditation and rather he was in hit of anger. He further pointed out that there is no eye witness. That, investigating machinery claims to have recorded statements of witnesses, to whom there was oral dying declarations, but there is no prompt lodgment of FIR. That, now investigation is over and charge sheet is already filed on 13.02.2024. That, no further recovery or discovery is shown to be made and when no purpose is to be achieved by further detention, according to learned counsel, applicant deserves for bail on any conditions deemed fit by this court.

3. Learned APP strongly opposed that, there is not only eye witness account, but also oral dying declaration. That, deceased died due to stab injury. He further submitted that, charge is already framed and even prosecution intends to examine only 29 witnesses and as such according to him, there are bright prospects of trial getting concluded in coming months itself.

4. Heard. Perused the papers including FIR. Report is by father of deceased Vishal. Substance of the FIR is that, informant's daughter Shraddha @ Sonail was married to present applicant. One month back, it is alleged that, his daughter was beaten by rod by applicant and in-laws and therefore deceased son Vishal had been to fetch her, at that time, it is alleged that, deceased was also beaten by applicant apart from giving life threats. However, it is

informed that after giving understanding to applicant, deceased had brought Shraddha home and precisely getting annoyed by the same, it is alleged that, on 14.11.2023, when Vishal had been to urinate, at that time, present applicant came armed with knife and stabbed him on the chest. As a result, his son Vishal was taken to hospital.

5. Learned APP has opposed and pointed out that there is direct eye witness and moreover there is oral dying declaration. That, wife of applicant has also given statement to police about hearing from her deceased brother being stabbed by her husband applicant. Statements of persons namely Abhishek and Sangameshwar, who, allegedly took the injured to hospital, are recorded by police also regarding receiving oral dying declaration from deceased Vishal. Post mortem report shows that deceased had suffered four injuries on chest, left forearm and infraclavicular region. Therefore, *prima facie*, there are multiple blows. Therefore, considering the above nature of allegations, though charge sheet is filed, this court is not inclined to grant relief as prayed.

6. The bail application stands rejected.

(ABHAY S. WAGHWASE, J.)