



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2231 OF 2024

Aadinath @ Dayanand s/o Maroti Jaybhave
Age : 24 years, Occu. Private Services,
R/o. Bori (Kd.), Tq. Kandhar, Dist. Nanded,
At present R/o MIDC, Waluj,
Near Vaishnav Devi Mandir,
Taluka and District Sambhajinagar.

... Applicant
(Orig. Accused No.4)

Versus

The State of Maharashtra
Through Police Station, Taluka Malakoli,
District Nanded.

... Respondent

**WITH
CRIMINAL APPLICATION NO. 88 OF 2025**

Daivshala Vyankati Kendre
Age : 44 Years, Occu: Housewife,
R/o: Palaswadi, Umraj, Taluka Kandhar,
District Nanded.

... Applicant

Versus

1. Aadinath @ Dayanand s/o Maroti Jaybhave,
Age : Major, R/o: Bori Khurd, Malakoli,
Taluka Kandhar, District Nanded.

2. The State of Maharashtra
Through Malakoli Police Station,
District Nanded.

... Respondent

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Mr. H. I. Pathan, Advocate for the Applicant.
Mr. V. M. Jaware, APP for Respondent-State.
Ms. Amita D. Chate, Advocate to assist APP.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 08.01.2025

Pronounced on : 10.01.2025

ORDER :

1. Applicant seeks enlargement on regular bail in consequence to registration of crime bearing no. 0135 of 2023 registered at Malakoli Police Station, taluka and district Nanded for offence under Sections 498-A, 302, 304-B r/w 34 of IPC.

2. Criminal Application No. 88 of 2025 is filed by original complainant seeking permission to assist learned APP for opposing the bail application. For the reasons mentioned in the application, the applicant is permitted to assist learned APP. Criminal Application No. 88 of 2025 is accordingly disposed off.

3. Learned counsel pointed out that present applicant is brother-in-law of deceased. That, marriage of his brother and deceased is five years old. Alleged occurrence is of 13.09.2023. In spite of no concern, applicant is arrested on 17.09.2023 i.e. on report lodged by mother of deceased. Learned counsel took this Court through the FIR and submitted that informant allegedly received phone call from brother of applicant giving extra judicial confession about committing murder of informant's daughter and grand daughter. Present applicant is

brother-in-law, who has no concern with alleged domestic affairs of his brother and deceased. According to learned counsel, general and sweeping allegations are levelled regarding commission of offence under Section 498-A IPC. That, now applicant is behind bars since long and even charge sheet has been filed. According to learned counsel, as nothing is to be recovered from applicant, it is his submission that applicant be set at liberty as he is ready to abide all and any conditions imposed by this Court.

4. Learned APP would point out that, though there are no specific allegations against present applicant, there are two death, i.e. of deceased and her minor child, who are throttled. Thus, it is a case of double murder. Therefore, considering such serious crime, learned APP opposes the application.

5. Learned counsel who intervened on behalf of complainant to oppose the application and to assist the APP, would submit that occurrence is a social crime against woman. Mother and child are done to death. That, moreover, mother was pregnant. According to her, accused husband and in-laws were annoyed for delivering girl child and in above backdrop and demand, offence has been committed. For such reasons, she also opposes relief.

6. Perused the papers and FIR. It seems that, mother of deceased Bhagyashree lodged report on 13.09.2023 alleging that after marriage of her daughter with Eknath Maroti Jaybhaye, who was in army, her daughter was treated properly for three years or so, but thereafter, she has alleged that, husband, parents-in-law and brother-in-law allegedly questioned deceased for delivering girl child only, and that they wanted boy. They also allegedly asked to bring Rs.4,00,000/- for construction of house. Mother claims that daughter reported about above demand and alleged ill treatment at their hands. Mother has specifically stated that 8 to 10 days back, husband Eknath had come on leave and he insisted for medical examination of deceased and on her refusal, he allegedly issued threats to kill. Informant claims that she received call from her son-in-law, i.e. Eknath, informing her that her daughter and grand daughter had been done to death and that he is ready to show their dead bodies on video call. On her above report, police seem to have registered crime.

7. After going through the papers, it transpires that there are postmortem reports of both, Bhagyashree and her minor, and autopsy surgeon has opined death due to asphyxia due to throttling. Apparently, from the report of mother of deceased, on the basis of

which crime is registered, it has come that Eknath gave extra judicial confession. As regards to present applicant is concerned, he seems to be a boy in his early twenties. He was arrested on 17.09.2023 i.e. after arrest of husband and in-laws on 15.09.2023. As pointed out, primary allegations are against husband i.e. for insisting male child, and allegations of demand fo Rs.4,00,000/- are attributed to all. Learned APP emphasized that there are two deaths. Taking contents of the report into consideration, more particularly husband giving extra judicial confession, present applicant succeeds. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant Aadinath @ Dayanand s/o Maroti Jaybhave, be released on bail in connection with 0135 of 2023 registered at Malakoli Police Station, District Nanded on executing Personal Bond of Rs. 15,000/- with one surety in the like amount.
- III. The applicant shall not tamper prosecution evidence.

[ABHAY S. WAGHWASE, J.]