

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 5250 OF 2024

Ganesh Pandurang Gaikwad ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Yash Fadtare for Applicant.

Ms. Veera Shinde, APP for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.
DATE : 22nd SEPTEMBER 2025

P.C.

1. By this application, applicant is seeking regular bail in Crime No.742 of 2022 registered with Akluj Police Station, District Solapur for the offences punishable under Sections 302, 304(B)(1), 304(B)(2), r/w Section 34 Indian Penal Code (for short "IPC").

2. It is prosecution's case that the deceased was wife of applicant. The marriage of the deceased was performed with the applicant on 20th August 2022. After the marriage, applicant was harassing the deceased to bring the amount of Rs.15,000/- and her father has not performed the marriage with his status and they are not treated properly. It is alleged that the deceased was informing all her harassment to the first informant and her family members, but

due to their poor condition, they did not file police complaint. It is alleged that on 18th December, 2022, the applicant's relative called on the phone of the first informant's husband and informed him that due to dizziness, the deceased has fallen ill and she is serious and they are taking her at Akluj for treatment and asked him to come there. When first informant, her husband and relatives went to Akluj, they found that her daughter was dead and some red marks were appearing on her throat. Considering the condition of dead body of deceased, the first informant lodged complaint alleging that the applicant and her in laws murdered the deceased for bringing the amount and not treating them properly in marriage.

3. It is contention of learned counsel for applicant that applicant has been falsely implicated in this case. The co-accused against whom the same allegations are levelled have been released on bail. Hence, the applicant is entitled for bail on principle of parity. Learned counsel for the applicant further submitted that the prosecution's case is based on circumstantial evidence. There is no eye witness to the incident. The charge has been framed but no witnesses have been examined. The applicant is behind bar for more than two years and nine months. There is no progress in the trial. Hence, requested to allow the application.

4. It is contention of the learned APP that within four months after the marriage, the deceased has been murdered by the applicant and co-accused. She was subjected to cruelty before her death. The deceased had informed her parents about cruelty by the applicant and co-accused. The applicant alluded that the deceased fell ill due to dizziness but she was murdered by throttling. The post mortem report shows cause of death by throttling and there were injury marks on her body. The deceased died when she was staying with the applicant. There is progress in the trial. If applicant released on bail, he may abscond or threaten the prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and the documents produced on record. Admittedly, the death of the deceased occurred within four months after the marriage. She was subjected to cruelty before her death. Though applicant's relative informed the first informant's husband that the deceased fell ill due to dizziness but her cause of death as per post mortem report is throttling. At the time of incident, the deceased was staying with the applicant. In post mortem report some injuries were appearing on the body of the deceased. Charge is framed against the applicant. Trial is in progress. The role attributed to the co-accused and applicant is

different. The applicant is husband of the deceased. If applicant is released on bail, he may threaten prosecution witnesses. Trial is in progress. Considering these facts, I pass following order:

6. Bail Application is rejected.

(SHIVKUMAR DIGE, J.)