



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 BAIL APPLICATION NO. 320 OF 2026

Subhash Ganesh Raut,
Age 34 years, Occ. Labour,
R/o. Mhada Colony, Bhokardan,
Tq. Bhokardan Dist. Jalna

... Applicant

VERSUS

State of Maharashtra
Through Police Station MIDC Waluj,
Dist.Chh.Sambhajinagar

... Respondent

...
Advocate for Applicant : Mr. Surse Sunil B.
APP for Respondent : Mr. S.V. Hange
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 26.03.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No. 495/2024 registered with MIDC Walunj Police Station, Dist. Chh.Sambhajinagar, for the offences punishable under Section 302, 323, 504 of the Indian Penal Code.

3. It is alleged that deceased Jyoti was wife of the applicant and they had been married for the last 10 years. They had two children born out of their wedlock. It is alleged that the applicant used to suspect fidelity of his wife and he was addicted to liquor. There used to be quarrels. The deceased was being harassed mentally and physically, which was conveyed to her parents from time to time. At the relevant time the couple was staying at

Ranjangaon Dist. Chhatrapati Sambhajanagar in a rented premises. She is alleged to have been strangled by the applicant in a night intervening between 22.05.2024 and 23.05.2024.

4. The learned counsel for the applicant submits that there is no material to establish the theory of last seen together. There is no direct or indirect evidence against the applicant. The statements recorded by the police are shrouded with doubt. The postmortem report does not corroborate the prosecution story.

5. Learned A.P.P. Mr. Hange submits that the statement of landlord and milk vendor Smt. Sayyada are clinching because they are independent witnesses. Besides that, statement of Shaikh Shafiq would corroborate the theory of last seen. It is further submitted that column no. 17 of the postmortem report corresponds the prosecution story.

6. I have gone through first information report, statement of landlord Smt. Sayyada, Shaikh Shafiq and other witnesses. I have also gone through the postmortem report. The case of strangulation cannot be ruled out considering the inquest panchnama as well as injuries revealed from the postmortem report.

7. I do not find that there is any clinching material to indicate that the applicant was last seen in the company of the deceased. There are other tenants. The statement of the landlord and Shaikh Shafiq are not sufficient to hold that the applicant was last seen in the company of the deceased, at this stage. I find that *prima facie*, the material is not clinching to castigate conduct. No criminal antecedent is reported against the applicant.

8. The applicant is arrested on 24.05.2024. Charge sheet is filed on 05.08.2024. Case is made out to enlarge him on bail.

9. Learned counsel for the applicant, on instructions, makes a voluntary

statement that he would look after the children by providing maintenance.

10. Bail Application is allowed.

11. The applicant shall be released on bail in connection with Crime No. 495/2024 registered with MIDC Walunj Police Station, Dist. Chh.Sambhajinagar, for the offences punishable under Section 302, 323, 504 of the Indian Penal Code, on following conditions:

(a) The applicant shall furnish P.R. bond of Rs. 20,000/- (Rs. Twenty Thousand only) with one solvent surety of like amount.

(b) The applicant, his relatives, friends or any body claiming through him, shall not contact the prosecution witnesses, minor children and parents in law.

(c) The applicant shall not tamper with prosecution evidence in any manner.

(c) The applicant shall furnish his mobile/cell number and address to the investigating officer.

(d) The applicant shall stay away from entire Bhokardan Taluka, till conclusion of the trial.

12. Bail application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-