

MHBU040011582022



**Order below Exh.3**  
( Passed on 20.09.2022 )

1. The applicant/accused Umesh Samadhan Tayade, is preferred this application u/s 439 of Cr.P.C. for releasing him on bail. It is submitted on behalf of the applicant/accused that applicant/accused came to be arrested in Crime No.398/2022 registered with police station Jalgaon Jamod, for the offence punishable under section 306 of the Indian Penal Code.
2. Heard learned advocate Shri M.S.Kharat for applicant/ accused and learned APP Mr. U.S. Apte, for prosecution. Perused the say of I.O. vide Exh.4.
3. It is submitted on behalf of the applicant/accused that the investigation in the present crime is over and charge sheet is filed. The applicant/accused is permanent resident of Kherda Bk. Tq. Jalgaon Jamod, Dist. Buldana and he is an agriculturist. There are no criminal antecedents against him. The informant is mother of deceased Sharda. The marriage of deceased Sharda and applicant/accused was solemnized in the year 2012 and from the said wedlock they have begotten two daughters and a son. The informant has lodged false and frivolous report against the applicant/accused that he is habitual

drunker and due to harassment of him, her daughter Sharda committed suicide. It is further submitted that the deceased Sharda was very hot tempered and quarrelsome nature and she committed suicide on trivial reasons. The deceased also tried two to three times to commit suicide before this incident. It is further submitted that the deceased was insisting applicant/accused to reside at her maternal home, but due to agriculture land and their children are taking education at Kherda Bk. the applicant/accused was not ready for the same, on that count quarrel took place. The applicant/accused is in jail since 3.7.2022. The family members are dependent upon him and there is nobody to look after the children of applicant/accused. The applicant/accused is ready to abide by all the terms and conditions of bail. Hence considering this fact, the applicant/accused prayed for releasing him on bail.

4. The prosecution filed say below Exh.4 and resisted the bail application on the ground that the applicant/accused would pressurize, threaten, induce and tamper the prosecution witnesses. The offence is serious in nature. Hence prayed for rejecting the application of applicant/accused.

5. Perused the record. The record reveals that the investigation is over and charge sheet is filed. The report is given by one Rukhmabai Bodade, mother of the deceased on 2.7.2022 alleging that the marriage of her daughter Sharda with applicant/accused was solemnized in the year 2012 and they had two daughters and one son. The applicant/accused is an alcoholic and under the influence of liquor gave physical and mental harassment to the deceased. On

2.7.2022 in between 8.00 to 8.30 a.m. the informant received call from the youngest daughter of deceased that the deceased was not keeping well and therefore taken on Rural Hospital at Jalgaon Jamod. Therefore, the informant reached immediately to the hospital, where she came to know about the death of the deceased. Therefore, the report is lodged. Perused the record, it is seen that the deceased died due to hanging. On perusal of the papers on record, there is nothing to show that on the date of death of the deceased there were some quarrel or dispute between her and the applicant/accused to drive her to death. No overt act of the applicant/accused can be seen which lead to the death of the deceased. Now the charge sheet is already filed and it would take time to commence with the trial therefore, it would not be proper to keep the applicant/accused in languishing in jail in definitely. For the apprehension that the accused might threatened, pressurize and induce the witness, I think that by imposing stringent condition will suffice the purpose. Hence considering the facts it would not proper to keep the applicant/accused behind the bar. Hence the following order :-

### **ORDER**

- 1] The application Exh.3 is allowed.
- 2] Applicant/accused namely Umesh Samadhan Tayade, be released on bail on his executing P.R. bond of Rs.50,000/- (Rs.Fifty Thousand only) with one solvent surety in the like sum.
- 3] The applicant/accused shall remain present before the concerned Court on every fixed date.

- 4] The applicant/accused shall not pressurize the prosecution witnesses.

(A.S.Wairagade )

Addl.Sessions Judge, Khamgaon,  
Dist. Buldana.

Dt.20/09/2022

Certificate

I certify that this order PDF uploaded is a true and correct copy of original signed order.

Name of Steno : Mrs. Nishat Anjum Mohd. Rafique.

Name of Court : Addl. Sessions Judge, Khamgaon.