

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No. 1400 Of 2015.

BABU @ SHIVAJI S/O SAMBHAJI LONDHE & ORS.
VERSUS
THE STATE OF MAHARASHTRA & ORS.

Vyankatee Kashiram Ghogre : First Informant.

Appearance =>

Mr. V.S. Panpatte, Advocate for Applicants.

Mr. Madhukar Parghane, Advocate for the first informant.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 16th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of regular bail, in connection with CR No. 5/2015 registered with Police Station, Sonkhed Taluka – Loha, District – Nanded for the offences punishable under Section/s 304(B), 498(A) read with 34 of the Indian Penal Code.

[2] Heard Mr. V.S. Panpatte, learned counsel for Applicants, Mr. Madhukar Parghane, learned counsel for the first informant and Mr. A.S. Shinde, learned Additional Public Prosecutor for the State of Maharashtra.

[3] Marriage of Ashabai was performed with Narsing Sambhaji Londhe (brother of present Applicants) in the year 2008. The First Information Report is lodged by Vyankatee Kashiram Ghogre, father of deceased – Ashabai. It shows that, for a period of two months till the date of incident, Ashabai was treated well by her husband and other family members of the husband. The First Information Report further proceeds that prior to two months of incident, marriage of brother-in-law of deceased by name Vitthal was fixed and at that time, father-in-law of Vitthal has given dowry of Rs.71,000/- and on that count, Narsingh started to give ill treatment to Ashabai and he used to beat her.

[4] First Information Report does not reveals any specific act on the part of present Applicants. Allegations are most general in nature. Even Mr. Shinde, learned Additional Public Prosecutor has fairly stated from the investigation papers that, there are no statements of eye witnesses which ascribe specific role against the present Applicant. In that view of the matter, present Applicants are entitled to be released on bail. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant No.1 – Babu @ Shivaji s/o Sambhaji Londhe and Applicant No.2 – Pandurang s/o Sambhaji Londhe shall be released on regular bail on they executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] each with one solvent surety in the like amount, in connection with CR No. 5/2015 registered with Police Station, Sonkhed Taluka – Loha, District – Nanded for the offences punishable under Section/s 304(B), 498(A) read with 34 of the Indian Penal Code.

(iii) Bail before trial Court.

(iv) With these observations, Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)