

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2785 OF 2015

Chandrakala w/o Manohar Bite & Anr. **APPLICANTS**

V E R S U S

The State of Maharashtra & Ors. **RESPONDENTS**

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Mr. G.V.Mohekar, Advocate for Applicants.

Mrs. Pratibha Bharad, A.P.P. for R.No.1 – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 25th JUNE, 2015

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PER COURT :

1. At the out set, learned counsel for the applicants submitted that he wish to withdraw the present Criminal Application for bail on behalf of applicant No. 2 Manohar s/o Sakharam Bite. He submits that liberty be granted to him to file bail application afresh before the trial Court after filing of the charge sheet. Prayer accepted.

2. Applicant No. 1 Chandrakala w/o Manohar Bite is seeking her release on bail since she is arrested in connection with Crime No. 35/2015 registered with Police Station Sirsala, Dist. Beed for the offences punishable u/s 498-A,304 (B),306 read with 34 of the Indian Penal Code.

3. Heard Mr. G.V.Mohekar, learned Counsel for the applicants and Mrs. Pratibha Bharad, learned A.P.P. for the respondent No. 1 – State.

4. Deceased is Sunita. Her marriage took place with Ashok, who is the son of present applicants. Date of incident is 26/04/2015. On the said day, Sunita consumed poison and committed suicide. Postmortem notes shows that death is due to poison. Presently, Chemical Analyser's report is unavailable.

5. F.I.R. is lodged by Saheba Raosaheb Hajare, the father of deceased. Said report discloses that for first 2-3 months, his daughter was treated nicely. However, subsequently she was subjected to cruelty on account of money. Learned A.P.P. has pointed out the statement of Datta. Statement of Datta is important. According to his statement, he took Sunita along with him and gave Rs.1,00,000/- [Rupees One Lakh] to the father-in-law of deceased. Said statement does not discloses any specific act against the present applicant No. 1. Looking to the general nature of allegations made against applicant No. 1 and the fact that she is woman, her case can be considered favourably on that count. That leads me to pass the following order.

(i) Present Criminal Application is partly allowed.

(ii) Applicant No. 1 Chandrakala w/o Manohar Bite be released on bail in

connection with Crime No. 35/2015 registered with Police Station Sirsala, Dist. Beed for the offences punishable u/s 498-A,304 (B),306 read with 34 of the Indian Penal Code on she executing P.R. Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] with two solvent sureties of like amount. Bail before the trial Court.

- (iii) Criminal Application of applicant No. 2 Manohar s/o Sakharam Bite is dismissed as withdrawn. Liberty is granted to him to file application for bail afresh before the trial Court after filing of the charge sheet.
- (iv) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]