

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3612 OF 2015
IN
CRIMINAL APPEAL NO.507 OF 2015

Vijay Sheshrao Bhalerao,
Age 32 years, occ.Labour,
r/o. Jijamata Colony,
Hingoli

..Applicant

Versus

The State of Maharashtra

..Respondent

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Mr.Vijay Sharma, advocate i/b. Mr.V.A.Bagadiya,
advocate for applicant

Mrs.B.B.Gunjali, APP for respondent - State

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CORAM : M.T. JOSHI, J.

DATE : AUGUST 04, 2015

PER COURT :

Heard both sides.

2] Present applicant i.e. husband of deceased,
who is convicted by learned Additional Sessions
Judge, Hingoli in Sessions Case No.63 of 2007 for
the offences punishable under Section 304-B and
498-A read with 34 of Indian Penal Code and

sentenced to suffer rigorous imprisonment for seven years and to pay fine of Rs.7,000/- and rigorous imprisonment for three years and to pay fine of Rs.3,000/-, respectively, on each count, has filed present application for suspension of the substantive sentences and to release him on bail.

. All other co-accused have been acquitted by learned Additional Sessions Judge.

3] Initially, the charge was framed for the offences punishable under Section 302 and 201 read with 34 of Indian Penal Code. Learned Additional Sessions Judge, however, considered the medical evidence and came to conclusion that it was a case of suicide. Death of the deceased has occurred within six months from the marriage.

4] The prosecution case, in nut shell, is that for a demand of balance dowry amount of Rs.31,000/-, there was illtreatment to deceased due to which, ultimately, she died within six months from her marriage with the applicant/appellant.

5] Learned counsel for the applicant made various submissions on merit of the case. He submitted that the applicant was released on bail during pendency of trial and there was no complaint of misuse of liberty. He further pointed towards the statements of mother and father of the deceased made during cross-examination, which would show that another married sister of the deceased had suffered burn injuries; while brother of the deceased has died due to poisoning. Learned counsel submitted that both the cases were either of attempt to commit suicide or suicide, but that

has been conveniently denied by the father of the deceased, however, the mother of deceased, at least, admitted that brother of the deceased has died due to poisoning. Learned counsel submitted that fine amount is already paid by the applicant. He therefore submitted that the application may be allowed.

6] Learned A.P.P. opposed the application. She submitted that there is ample evidence in the nature of statements of the relatives to show that within six months from the marriage, there was illtreatment to the deceased to such an extent that she died due to hanging.

7] Upon considering the overall material on record and finding that hearing of the appeal may take its own time, without making any comment on merits of the case, in my view, the applicant can be released on bail by suspending the substantive

sentences.

8] Hence, the following order :-

A] The substantive sentences of the applicant/appellant are suspended during pendency of the appeal.

B] The applicant be released on bail upon his executing P.R. bond in the sum of Rs.30,000/- (Rs.Thirty Thousand) and also upon furnishing surety in the like amount.

C] The application is allowed and disposed of accordingly.

[M.T. JOSHI, J.]

kbp