

marriage. After the marriage for about one year her husband treated her nicely. However, her husband was addicted to liquor and subsequently used to beat her. The applicants herein used to taunt her on the ground that the deceased was not performing household duties properly. The applicants also used to say that the parents of the deceased Kajal did not give sufficient dowry to them. Being aggrieved by their harassment Smt. Kajal had lodged complaint under Section 498A in the court of J.M.F.C. at Kej, District Beed. She has further stated that thereafter the applicants and her husband gave an undertaking to the court that they will treat her properly and therefore, Smt. Kajal again went to her matrimonial house for cohabitation with her husband. After some time, again the applicants and her husband started harassing to deceased Kajal. The said persons used to beat her. Deceased Kajal has further stated that because of the said regular harassment she was frustrated and therefore, left her matrimonial house and went to her parental house for residing. She has stated that her husband namely Suraj Galphade on 9.12.2014 came to her parents house and he abused and beat her. After her husband left the house, because of the said incident she suffered mental tension due to the constant harassment and therefore, she poured kerosene on her person and set to fire. Her father poured water on her body and extinguished the fire.

3) The dying declaration dated 12.12.2014 stated above prima facie discloses that the applicants were harassing the said

deceased Smt. Kajal on the ground that her parents did not give sufficient dowry amount. As far as the overt act which led to the commission of offence is concerned, it appears that due to the abuses and beating by her husband on 9.12.2014 Mrs. Kajal decided to take the extreme step and the said overt act is attributed by Smt. Kajal to her husband. The learned A.P.P. on instructions states that the husband of Smt. Kajal has not been released on bail and he is the prime accused in the present case.

4) In view of the above, it is prima facie clear that though the applicants were demanding dowry amount from the deceased, they were not instrumental directly in abetting her to commit suicide on 9.12.2014. In view of the same, I am inclined to grant bail to the applicants on the following terms.

ORDER

- a) The applicants shall be released on bail on their furnishing PR bond of Rs.25,000/- each with one or two separate sureties in the like amount, to make up the said amount.
- b) The applicants shall report to the Hadapsar Police Station on first Monday of every month during the pendency of the trial.
- c) Application is disposed of in the aforesaid terms.

(A.S. GADKARI, J.)