

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 226 OF 2016

- 1] Ravindra S/o Vasant Sonawane,
Age : 28 years, Occu.: Labour,
R/o Tilaknagar, Tq. Shrirampur,
Dist. Ahmednagar
 - 2] Vasant S/o Shrawan Sonawane,
Age : 55 years, Occu.: Service,
 - 3] Chandrakala W/o VASNAT Sonawane,
Age : 50 years, Occu.: Household,
 - 4] Santosh S/o Vasant Sonawane,
Age : 22 years, Occu.: Labour
- Nos. 2 to 4 R/o Ranjankhol,
Tq. Rahata, Dist. Ahmednagar
- 5] Amrapali W/o Manoj Kadam,
Age : 26 years, Occu.: Household,
R/o Ramanagar, Shrirampur,
Dist. Ahmednagar
 - 6] Sarika W/o Sukhdev Thorat,
Age : 24 years, Occu.: Household,
R/o Puntamba, Tq. Rahata,
Dist. Ahmednagar

.. Applicants

VERSUS

The State of Maharashtra

.. Respondent

Mr. P.S. Dighe, Advocate for the applicants
Mr. U.S. Mote, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 10/03/2016

ORAL ORDER :

Heard both sides.

2. The present applicants are seeking their release on anticipatory bail in the event of their arrest in connection with crime no. I-360 of 2015 registered with Shrirampur City Police Station, Dist. Ahmednagar for the offences punishable under section 304(B), 498-A, 323, 504, 506 and 34 of the Indian Penal Code.

3. The deceased - Komal had married to the present applicant no.1 - Ravindra on 13/05/2011. Rest of the applicants are his relatives. The deceased has died on 06/12/2015 while residing with the present applicants. Therefore, her mother filed the complaint with the Police Station on 14/12/2015.

. In the complaint, she alleged that after the period of 8-10 months of happy married life, all the present applicants started ill-treating the deceased over demand of Rs.50,000/-. They used to abuse, starve and beat the deceased. She was blessed with one daughter in the meantime. Therefore, the ill-treatment was continued, as the female child was born.

. In the circumstances, on 06/12/2015, they received a message that the deceased - Komal had fallen on her head and, therefore, was admitted to the hospital. When they reached the hospital, they found that the deceased had died and, therefore, the complaint came to be filed.

4. Mr. Dighe, learned counsel for the applicants submits that while the death has occurred on 06/12/2015, the complaint came to be filed on 14/12/2015. The evidence on record would show that the deceased did not die in any unnatural circumstances. It is explained by the applicants that as the deceased was gulping water, she fell on the ground due to the respiratory failure, the deceased has died.

5. Learned A.P.P. opposed the application. He submits that there was ill-treatment to the deceased during her co-habitation with the present applicants.

6. The material on record would show that the death has occurred due to respiratory failure due to pulmonary oedema. The chemical analyzer's report regarding the viscera would show that no poisonous

substance was found in the said viscera.

7. Considering all these facts on record, in my view, custodial interrogation of the applicants is not required. In the circumstances, the following order:-

8. In the event of the arrest of the applicants in crime no. I-360 of 2015 registered at Shrirampur City Police Station, Dist. Ahmednagar for the offences punishable under section 304(B), 498-A, 323, 504, 506 and 34 of the Indian Penal Code, each of them be released on bail, upon their executing P.R. bonds in the sum of Rs.20,000/- (Twenty Thousand) each and also upon furnishing surety each in the like amount.

9. The applicants shall attend the Investigating Officer, as and when reasonably called for the purposes of investigation/interrogation for a period of 1 month from the date of this order.

10. Application stands disposed of accordingly.

Sd/-
[M.T. JOSHI]
JUDGE

arp/