

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

CRIMINAL APPLICATION NO.229 OF 2016

Sudam s/o Bhika Dube,
Age 55 years, Occu.Agriculture,
R/o Chinchkheda, Taluka Gangapur,
District Aurangabad

..Applicant

Versus

The State of Maharashtra,
Through Police Station, Shillegaon,
Taluka Gangapur, Dist.Aurangabad

..Respondent

Mr C.R. Thorat, Advocate for applicant
Mr S.Y. Mahajan, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 2nd February 2016

PER COURT

Heard.

2. The applicant is seeking regular bail in Crime No.I-208/2015 registered at Police Station, Shillegaon, District Aurangabad, for the offences punishable under Sections 304-B, 498-A, 323, 504 and 506 read with Section 34 of Indian Penal Code.

3. The son of the applicant Walmik was married to Sonali, daughter of complainant and within a period of two years, said Sonali committed suicide.

4. The prosecution story against the applicant is that the applicant along with other accused persons has demanded dowry of Rs.1,00,000/-, out of which Rs.40,000/- was remained to be paid..

5. While trying to make out a case for grant of bail, learned Counsel for the applicant would urge that investigation in the matter is complete and charge-sheet is already filed. He would then urge that all the family members of the applicant are impleaded as accused and the son of the applicant is already behind the bars. According to him, further detention of the applicant is not necessary.

6. Learned A.P.P., while opposing the application would urge that in view of presumption under Section 113-A of the Evidence Act and death of Sonali within a period of seven years from the date of her marriage, there is presumption as against the applicant of involvement in the crime. He would then urge that the evidence on record contemplates rejection of bail as there is prima facie involvement.

7. Considered the rival submissions. It is required to be noted that the applicant is the father-in-law of deceased Sonali. The role attributed to the applicant is, along with other accused, he has abetted the suicide.

8. It is required to be noted that the investigation in the matter is complete and charge-sheet is already filed. In my opinion, further detention of the applicant is not necessary, as the presumption is rebuttable and the applicant's son, husband of deceased Sonali is already behind the bars.

9. As such, applicant deserves to be released on bail.
10. The applicant, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount be released on bail in Crime No.I-208/2015 registered at Police Station, Shillegaon, District Aurangabad, for the offences punishable under Sections 304-B, 498-A, 323, 504 and 506 read with Section 34 of Indian Penal Code,
11. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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