

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

CRIMINAL APPLICATION NO. 404 OF 2016

1. Trimbak s/o Ashroba Ghorpade,

2. Antikabai w/o Trimbak Ghorpade,

Both R/o. Pathri, Tq. Pathri,
District Parbhani.

...Applicants

versus

The State of Maharashtra
Through Police Station Officer,
Police Station Pathri,
Tq. Pathri, Dist. Parbhani.

...Respondent

.....
Mr. S.S. Londhe, Advocate for applicants
Mr. M.B. Bharaswadkar, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 8th FEBRUARY, 2016

ORAL ORDER :

The applicants, who are father in law and mother in law of deceased Poonam are seeking regular bail in Crime No. 203 of 2015 registered with Pathri Police Station, Taluka Pathri, District Parbhani for the offence punishable under Sections 304(B), 498(a), 323 read with Section 34 of the Indian Penal Code, for the alleged incident dated 16/05/2015 which was reported on 23/12/2015.

2. The prosecution case against the present applicants is

that on 16/05/2015 applicants' son married to Poonam, daughter of complainant. Since the applicants were short of money for repayment of loan of the tractor, they have demanded Rs.50,000/- from the parents of deceased Poonam and as the said amount was not paid, Poonam has committed suicide, which was abetted by present applicants.

3. While trying to make out case for grant of bail, learned Counsel for the applicants would urge that the applicants are innocent and at the relevant time, at other place, were carrying out their labour work of harvesting sugar cane and transportation thereof. He would urge that there is no direct connection of the applicants to the crime in question and the applicants, who are aged persons, needs to be released on regular bail, as already they were subjected to custodial interrogation.

4. Learned A.P.P. opposed the application for grant of bail on the ground that death took place within period of six months from the date of marriage and there is presumption under Section 113-A of the Evidence Act. He would then urge that there is strong *prima facie* case against the applicants.

5. Having perused the investigation papers and contents of

F.I.R., it is required to be noted that at the relevant time, when the incident took place, it is not the case against present applicants that the applicants were present at the spot, rather what is reflected from the incident is, handloan of Rs.50,000/- was sought for repayment of bank installment of the vehicle-tractor, by the husband of victim-Poonam.

6. Once the applicants were subjected to police custody and it is brought on record in the investigation that the applicants were not present at the spot of incident when occurred, it will not be appropriate, in my opinion, to continue further detention of the applicants, as such, the application is allowed. Hence, the following order.

The applicants be released on bail in connection with Crime No. 203 of 2015 registered with Pathri Police Station, Taluka Pathri, District Parbhani for the offence punishable under Sections 304(B), 498(a), 323 read with Section 34 of the Indian Penal Code, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount, by each of them.

[N.W. SAMBRE, J.]