

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

CRIMINAL APPLICATION NO. 418 OF 2016

1. Babasaheb s/o Bhima @ Bhimaji Joshi,
Age: 58 years, Occ: Agri.,
2. Mrs. Kusumbai w/o Babasaheb Joshi,
Age: 53 years, Occ: Housewife,
3. Balasaheb s/o Bhima @ Bhimaji Joshi,
Age: 37 years, Occ: Agri.,

All R/o. Dadh Kh., Tq. Sangamner,
District Ahmednagar.

...Applicant

versus

The State of Maharashtra
Through the Police Inspector,
Ashwi Police Station.
Tq. Sangamner Dist. Ahmednagar.

...Respondent

.....
Mr. K.N. Shermale, Advocate for applicant
Mr. A.S. Shinde, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 9th FEBRUARY, 2016

ORAL ORDER :

The applicants are seeking regular bail in Crime No.I-78 of 2015 registered on 23/12/2015 with Ashwi Police Station, District Ahmednagar, for the offence punishable under Sections 498-A, 306, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Deceased Vandana was daughter in law of applicant Nos. 1 to 3. Applicant No. 2 is wife of applicant No.1, whereas applicant No. 3 is cousin brother of applicant No.1. All the applicants are named in the F.I.R. It is the case of prosecution that son of applicant Nos. 1 and 2 Ashok was married to deceased Vandana on 20/05/2011 after which, she was blessed with two daughters.

3. Deceased Vandana thereafter committed suicide on 23/12/2015 resulting into registration of crime.

4. The role attributed to the applicants is that of demand of dowry and abetment of suicide.

5. While trying to make out the case for grant of bail, learned Counsel for the applicants would submit that the applicants, who are in laws had hardly any involvement. The main accused, their son is already behind the bars. The investigation is at advanced stage and custodial interrogation of the applicants is not necessary.

6. The application is opposed by learned A.P.P. on the ground that investigation is still in progress and there is presumption under Section 113-A of the Evidence Act against the applicants, as death of Vandana has occurred within seven years from the date of

marriage i.e. 20/05/2011.

7. Perused the investigation papers in the background of story narrated in the F.I.R.

8. It is required to be noted that there is hardly any evidence against applicant No. 3 to connect him to the crime in question.

9. So far as applicant Nos. 1 and 2 are concerned, though they are named in the F.I.R., however Sessions Court has added that post mortem report depicts cause of death because of drowning without any external injury, as such, it cannot be concluded at this stage that deceased Vandana was subjected to cruelty/violence before her death.

10. Apart from above, looking to the age of applicant Nos. 1 and 2, in my opinion, it will be appropriate to allow the application. Hence, the following order.

The applicants be released on bail in connection with Crime No.I-78 of 2015 registered with Ashwi Police Station, District Ahmednagar, for the offence punishable under Sections 498-A, 306, 323, 504, 506 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. The applicants shall remain outside the jurisdiction of concerned police station till filing of the charge sheet.

11. Criminal Application stands allowed in above terms.

[N.W. SAMBRE, J.]

Tupe/09.02.2016