IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 578 OF 2016

Rameshwar Dnyanoba Solanke,
Age: 50 years, Occu: Labour,
R/o. Gangamasla, Tq. Majalgaon,
Distrit Beed. ...Applicant

versus

The State of Maharashtra
Through Police Station
Majalgaon (Rural), Dist. Beed. ...Respondent

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Mr. S.J. Salunke, Advocate for applicant
Mr. A.S. Shinde, A.P.P. for respondent

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CORAM : N.W. SAMBRE, J.

DATE : 15th FEBRUARY, 2016

ORAL ORDER :

The applicant is seeking regular bail in Crime No 147/2015 registered with Majalgaon Police Station (Rural), District Beed for the offence punishable under Sections 498-A, 302, 306, read with Section 34 of Indian Penal Code.

2. The prosecution case is that son of applicant namely Ganesh married with deceased Priyanka in May 2014. There was consistent demand of dowry of Rs. 2,00,000/- for purchase of second hand vehicle. As a consequence of non fulfillment of said demand, Priyanka committed suicide. The present applicant being father in law of deceased Priyanka, is named one of the accused. It is not in

dispute that initially the investigation was directed for the offence punishable under Section 302 of Indian Penal Code, however, upon further investigation for the offence punishable under Section 306 of Indian Penal Code came to be added and charge sheet is accordingly filed.

3. While trying to make out case for grant of bail, Mr. Salunke, learned Counsel for the applicant would urge that, the applicant, father in law of deceased Priyanka has no direct role attributed to the crime in question. According to him, except statement of father in law and maternal uncle of deceased Priyanka, the prosecution story is otherwise. He would submit that when the incident took place, from the statement of Prakash Solanke, it could be inferred that the applicant was not present at the spot of incident. He would then urge that in view of filing of the charge sheet, further detention of the applicant is not necessary.

4. Learned A.P.P. opposed the prayer on the ground that there are statements of witnesses which depict the involvement of applicant-accused in crime in question, apart from presumption under Section 113-A of the evidence Act. He prays for rejection of the bail application.

5. Perused the charge sheet. Prakash Solanke, who was

present at the spot when Priyanka was burn, in specific terms narrated about non presence of applicant at the spot of incident. Only statement which connects the present applicant to the crime in question is that of complainant - Ratneshwar Maykar and father of deceased Priyanka and Sahebrao, grandfather of deceased Priyanka.

6. The fact about absence of applicant at the spot of incident and completion of investigation in the matter, in my opinion, entitles present applicant to be released on regular bail, particularly in the back ground of fact that Ganesh is still behind the bars and not released. In view of above, it will be appropriate, in my opinion, to order the release of the applicant on bail. Hence, the following order.

The applicant be released on bail, in connection with Crime No 147/2015 registered with Majalgaon Police Station (Rural), District Beed for the offence punishable under Sections 498-A, 302, 306, read with Section 34 of Indian Penal Code, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.

7. The criminal application stands allowed in above terms.

[N.W. SAMBRE, J.]

Tupe/15.02.16