

(1)

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

CRIMINAL APPLICATION NO.654 OF 2016

1. Sow. Sunita Rambhau Wankar,
2. Sow. Sangeeta @ Shivkanya w/o
Rambhau Wankar,
3. Sow. Rekha w/o Yashwant Chokhale,
4. Rambhau s/o Tukaram Wankar,
5. Ankush s/o Rambhau Wankar ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr Swapnil S. Rathi, Advocate for applicants;
Mr M.M. Nerlikar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 16th February, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R. No.1 of 2016, registered with Chudawa police station, Taluka Purna, District Parbhani, for offences punishable under sections 498-A, 306, 323 read with section 34 of the Indian Penal Code.

2. Applicant no.4 is father-in-law of deceased Rohini, whereas applicants no.1 and 2 are his wives. Applicant no.3 is daughter, whereas applicant no.5 is the son of applicant no.4.

(2)

3. The prosecution case against the applicants is that Santosh – son of applicant no.4 married to Rohini – deceased in the present case and sister of the complainant. The marriage took place some time 4-1/2 years back and Rohini has committed suicide by consuming poison on 21st December, 2015.

4. While trying to make out a case for grant of pre-arrest bail, learned Counsel appearing on behalf of the applicants would urge that the applicants are entitled for bail on the ground that there is unexplained delay in lodging the first information report as deceased has lost her life on 21st December, 2015, whereas the first information report came to be lodged on 8th January, 2016. In addition, he would urge that all the family members are roped as accused by the complainant, who happens to be brother of deceased Rohini. He would then submit that it is the husband Santosh, who has hospitalized the victim.

5. Learned Addl. Public Prosecutor opposed the application on the ground that presumption under section 113-A of the Evidence Act is required to be considered in the present case against the applicants. He would then urge that since the death has occurred within a period of 1-1/2 years from the date of marriage, the applicants being family members of the husband of deceased could be held responsible. According to him, the complaint speaks of the demand of Rs.5,00,000/- and illtreatment meted out for non-fulfilment thereof.

(3)

6. Perused the investigation papers. There is a dying declaration of the victim Rohini recorded by police on 22nd December, 2015, in which she has stated the cause of her death. Perusal of the said document depicts that she has neither stated about illtreatment at the hands of the present applicants to her nor about demand of dowry by them.

7. In my opinion, the fact remains that all the family members of the husband of the deceased are roped as accused in the crime in question.

8. In the above background, in my opinion, applicants no.1, 2 and 3, who are women and applicant no.4 who is senior citizen, aged about 60 years and applicant no.5 being a student, are entitled for pre-arrest bail. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.1 of 2016, registered with Chudawa police station, Taluka Purna, District Parbhani, for offences punishable under sections 498-A, 306, 323 read with section 34 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicants shall attend the concerned police station initially on 22nd and 23rd February, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

(4)

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj