

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

CRIMINAL APPLICATION NO.850 OF 2016

1. Meerabai @ Bali Shivaji Matsagar,
Age 25 years, Occu. Household
2. Shivaji Avinash Matsagar,
Age 30 years, Occu. Agri.,

Both r/o Aghur, Taluka Vaijapur,
District Aurangabad .. Applicants

Versus

- . The State of Maharashtra,
Through Vaijapur Police Station,
Taluka Vaijapur, Dist.Aurangabad ..Respondent

- WITH -

CRIMINAL APPLICATION NO.851 OF 2016

- . Indubai Gorakhnath Waghule,
Age 45 years, Occu. Agri.,
R/o Shivrai, Taluka Vaijapur,
District Aurangabad ..Applicant

Versus

- . The State of Maharashtra,
Through Vaijapur Police Station,
Taluka Vaijapur, Dist.Aurangabad ..Respondent

Mr N.D. Sonavane, Advocate for applicants
Mr M.B. Bharaswadkar, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 16th February 2016

PER COURT

Heard.

2. The applicants are seeking pre-arrest bail in Crime No.I-
01/2016, registered at Vaijapur Police Station, District Aurangabad, for

the offences punishable under Sections 304-B, 323 and 504 of Indian Penal Code, for the alleged incident dated 3rd January 2016.

3. The prosecution story is that the deceased Rohini was married to the son of applicant - Indubai and brother of applicant - Meerabai. Applicant - Shivaji is husband of Meerabai.

4. The prosecution story against the applicants is, the complainant Bhausaheb Gayke, father of deceased Rohini alleged that after the marriage of his daughter in 2013 with Ashok, there was ill-treatment for non-fulfillment of demand of dowry. The death in the present case occurred on 3rd January 2016 and the provisional cause of death cited in post mortem report is due to asphyxia due to drowning.

5. The applicant in Criminal Application No.850 of 2016 - Meerabai, who is sister-in-law of deceased Rohini, was resident of other village and was not present when the incident took place. So far as another applicant - Indubai is concerned, she is mother-in-law of deceased Rohini and the child of deceased Rohini, about 10 months old is in the custody of Indubai.

6. It is claimed that Indubai cannot be held responsible, as death has occurred because deceased Rohini, while trying to fetch water from the well, has fell in the well.

7. In my opinion, it could be probable, for the reasons the water was sought to be fetched from the well for the purpose of consumption. There is no evidence of external injury or violence on Rohini before her death.

8. In the above background, in my opinion, custodial interrogation of the applicants is not necessary. As such, applicants are entitled to be released on pre-arrest bail.

9. Criminal Applications stand allowed. In the event of arrest in Crime No.I-01/2016, registered at Vaijapur Police Station, District Aurangabad, for the offences punishable under Sections 304-B, 323 and 504 of Indian Penal Code, for the alleged incident dated 3rd January 2016, the applicants be released on bail, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount, by each of them.

(N.W. SAMBRE, J.)

vvr