

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 1186 OF 2016

LILAVANTI @ RUKMABAI @ NILAVATI W/O. RAMESHWAR SOLANKE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Sudarshan J. Salunke.
APP for Respondent : Mr. K. S. Patil.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 18th March, 2016.

P.C.:

. Here is an application for regular bail in Crime No.147 of 2015 registered with Majalgaon Police Station (Rural), District Beed for the offences punishable under Sections 498-A and 306 read with 34 of the Indian Penal Code.

2 Heard Mr. S. J. Salunke, learned counsel for Applicant and Mr. K. S. Patil, learned APP for State. Perused case papers.

3 It is the case of prosecution that deceased Priyanka was married to Ganesh in May, 2014. There was consistent demand of Rs.2,00,000/- by husband, father-in-law and mother-in-law of Priyanka. The demand was for purchase of second hand vehicle.

As the demand was not fulfilled it was alleged that Priyanka was ill-treated by her husband and in-laws.

4 On 8th October, 2015 between 05:00 and 05:30 pm Priyanka died at her matrimonial house on receiving 90% burns. Report was lodged by her father. Above said crime was registered against husband and in-laws of the deceased. Applicant is mother-in-law of Priyanka.

5 Learned counsel for Applicant submits that father-in-law of Priyanka was released on bail vide order dated 15th February, 2016 passed in Criminal Application No.578 of 2016. Learned counsel would submit that on the rule of parity Applicant be also enlarged on bail.

6 Learned APP opposes the application on the ground that marriage took place in the year 2014 and she died within 1 and 1/2 years of marriage. It is submitted that FIR indicates involvement of Applicant in making consistent demand of Rs.2,00,000/-. Learned APP would submit that in view of allegations in FIR and the facts revealed during statements of witnesses application for bail be rejected.

7 With the assistance of learned counsel for parties this Court has gone through case papers. It appears from FIR that allegations of demand of Rs.2,00,000/- made against husband, father-in-law and mother-in-law are identical. Rameshwar Dnyanoba Solanke father-in-law of deceased has been released on bail as stated hereinabove. Thus on the rule of parity Applicant who is mother-in-law of deceased also deserves enlargement on bail.

8 So far as merits are concerned, it appears that initially offence was registered under Section 302 of the Indian Penal Code. Investigation proceeded in that direction. On completion of investigation charge-sheet came to be filed for the offences punishable under Sections 498-A and 306 of the Indian Penal Code.

9 Further, statements of witnesses would show that Accused were not present in the house at the time of incident. Incident occurred in the evening at around 05:00 – 05:30 pm. In the absence of material to show presence of Applicant in the house at the time of incident Applicant otherwise deserves to be released on bail. Hence the following order –

ORDER

- I. Criminal Application No.1186 of 2016 is allowed.
- II. Applicant Lilavanti @ Rukminbai @ Nilavati W/o. Rameshwar Solanke is released on bail in Crime No.147 of 2015 registered with Majalgaon Police Station (Rural), District Beed for the offences punishable under Sections 498-A and 306 read with 34 of the Indian Penal Code, on her furnishing P.R. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- III. Applicant shall not tamper with the prosecution evidence and shall make herself available as and when required.
- IV. Bail before the Trial Court.

[INDIRA K. JAIN, J.]