

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

CRIMINAL APPLICATION NO. 2001 OF 2016

Sanjay Sakharam Shirsath

...Applicant

VERSUS

The State of Maharashtra

...Respondent

.....

Shri A.R.Syed, advocate h/f

Shri F.K.Patel, advocate for applicant

Shri A.S.Shinde, A.P.P. for respondent/State

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CORAM : INDIRA K.JAIN, J.

DATED : 29th April, 2016

ORDER :

By this application applicant seeks bail in Crime No. 164 of 2015, registered at Shahada police station, Taluka Shahada, District Nandurbar for the offences punishable under Sections 302, 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code.

2] Heard learned counsel for the parties. Perused papers of investigation.

3] It is apparent from papers annexed to the charge sheet that initially offence under Section 302 of the Indian Penal Code was registered against applicant. After investigation it was revealed that deceased committed suicide and so charge sheet was filed under Section 306 of the Indian Penal Code.

4] Applicant is the husband of deceased Minakshi. Their marriage took place before 17 years of her death. The couple has one daughter and two sons. It is alleged that after six months of marriage Minakshi was continuously harassed by applicant and his relatives on the demand of Rs.Two Lacs for purchase of a house and Rs.50,000/- for purchasing a rikshaw. According to prosecution applicant used to abuse and illtreat his wife after consuming liquor. She was kept without food. He also suspected her chastity. She informed her parents about illtreatment at hands of applicant and her in-laws.

5] It appears that incident occurred between 22.9.2015 and 23.9.2015. At 7.30 a.m. dead body of Minakshi was found floating in a public well of the village. After postmortem doctor opined cause of death as drowning. On the report of mother of Minakshi crime was registered and investigation was conducted.

6] The learned A.P.P. submitted that son and daughter of applicant are the star witnesses in this case. They are child witnesses and there is possibility of winning over the witnesses by applicant. In these circumstances, learned A.P.P. submits that instead of releasing applicant on bail trial be expedited.

7] It can be seen from first information report that previous instances of alleged illtreatment have not been specifically quoted by complainant. Omnibus allegations have been made that her daughter was illtreated on demand of money. Marriage took place before 17 years of death. As stated above, couple was blessed with

three children. On perusal of statement of Amrapali daughter aged 15 years and Aditya son aged 13 years, it can be seen that they are residing with maternal uncle at different place. Considering the fact that they are not residing with accused apprehension raised by prosecution can be taken care of by imposing suitable conditions. In the above premise, this Court is inclined to enlarge the applicant on bail. Hence the following order.

ORDER

- (i) Criminal Application No. 2001 of 2016 is allowed.
- (ii) Applicant is released on bail on P.B. and S.B. of Rs.25,000/- each.
- (iii) Applicant shall not tamper with prosecution evidence and shall make himself available as and when required.
- (iv) Bail before the Trial Court.

[INDIRA K.JAIN, J.]