

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

CRIMINAL APPLICATION NO. 2109 OF 2016

Tukaram @ Suraj Rajaram Khanse

...Applicant

VERSUS

The State of Maharashtra

...Respondent

.....
Shri N.V.Gaware, advocate for applicant
Shri R.B.Bagul, A.P.P. for respondent/State
Shri Amol S.Gandhi, advocate for complainant
.....

CORAM : INDIRA K.JAIN, J.

DATED : 28th April, 2016

ORDER :

By this application, applicant-husband of deceased Dipali @ Gita seeks his enlargement on bail in Crime No. I-152 of 2015, registered at Belwandi police station, Taluka Shrigonda, District Ahmednagar for the offences punishable under Section 498-A, 304-B r/w 34 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act. Applicant is in custody since 21.12.2015.

2] Heard Shri N.V.Gaware, learned counsel for applicant and Shri R.B.Bagul, learned A.P.P. for State. Perused case papers.

3] It is the case of prosecution that Dipali was married to applicant on 28.4.2015. Her dead body was found floating in a pond near the house of applicant on 23.12.2015. After the last rites were

performed father of the deceased lodged report to police station on the basis of which offences as stated above were registered against the applicant and his family members.

4] It is pertinent to note that on 21.12.2015 applicant lodged a missing report with the police. In the said missing report he had given details of the circumstances under which Dipali had disappeared.

5] The learned A.P.P. assisted by learned counsel for complainant submitted that presumption under Section 113-A/B of the Evidence Act is in favour prosecution and it is for the accused to explain the circumstances in which his wife had died. True, death occurred within seven years of marriage. But regarding illtreatment on alleged demand of gold investigating agency could not collect the evidence of independent witnesses. Statements of relatives of the deceased have been recorded. Charge sheet has been filed.

6] In the above premise, no fruitful purpose would be served by keeping the applicant in further custody. Hence the following order.

ORDER

(i) Criminal Application No. 2109 of 2016 is allowed.

(ii) Applicant is released on bail on P.B. and S.B. of Rs.15,000/- 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.]

dbm/crap2109.16