

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

Criminal Application No. 2674 of 2016

District : Osmanabad

Vinod s/o. Vitthalrao Patil,
Age : 30 years,
Occupation : Business,
R/o. Ganesh Nagar, Osmanabad,
Taluka & District : Osmanabad. .. Applicant.

versus

The State of Maharashtra,
Through Police Inspector,
City Police Station,
Osmanabad,
Taluka & District : Osmanabad. .. Respondent.

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Mr. R.R. Karpe, Advocate, for the applicant.

*Ms. R.P. Gour, Addl. Public Prosecutor, for
the respondent.*

*Mr. D.M. Hange, Advocate, for the original
complainant.*

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CORAM : N.W. SAMBRE, J.

DATE : 22ND JUNE 2016

ORAL ORDER :

Heard.

2. The applicant, who was arrested on 29th
March 2016, in connection with Crime No. 96/2016,

registered at City Police Station, Osmanabad, District Osmanabad, for offences punishable under Sections 304B, 498A, read with Section 34 of the Indian Penal Code, is seeking regular bail.

3. The prosecution story as against the applicant is that the applicant was married with Megha, daughter of the complainant, on 20.02.2014 and they were having a son out of the wedlock. It is then claimed that the present applicant along with his mother Shardabai had treated deceased Megha with cruelty and assaulted her for non-fulfillment of demand of dowry. It is then claimed that Megha committed suicide on 28th March 2016. As such, offence in question.

4. The learned Counsel for the applicant would submit that the applicant is in no way involved in the crime in question and there are vague allegations against the applicant. He would then submit that Megha might have died because of an accident as she was suffering from low eye sight. He has, therefore, urged that the applicant may be released on bail till conclusion of trial against him.

5. The learned Addl. Public Prosecutor has strenuously opposed the application on the ground that the victim has lost her life within two years of her marriage. The learned Addl. Public Prosecutor

then invites my attention to the statement of an eye witness, namely, Sudarshan Kalidas Kamble, who claim to be a person who extinguished fire on the person of deceased Megha when he noticed that she was burning in the bathroom of the house and calling for rescue. According to the learned Addl. Public Prosecutor, the said witness speaks of the presence of the applicant on the spot, however, the applicant had not taken any steps for extinguishing the fire.

6. The learned Addl. Public Prosecutor is assisted by the learned Counsel for the complainant. According to the learned Counsel for the complainant, bail needs to be rejected in view of the presumption as is available under the Evidence Act, particularly Section 114 thereof, as the death has occurred within 7 years of the date of marriage. According to him, the complainant and other witnesses have stated about direct involvement of the applicant with the crime in question.

7. With the assistance of the learned Addl. Public Prosecutor, I have perused the investigation papers. The dying declaration of deceased Megha recorded by the Police and the Executive Magistrate speaks of non-involvement of the applicant in the crime in question as deceased Megha has claimed that she got fire due to accident. Furthermore, there is delay of about 10 days in recording statement of the

alleged eye witness Sudarshan Kalidas Kamble. It is also brought on record that the deceased Megha was having low eye wight, perhaps it was a cause for accident resulting into the death because of fire.

8. In this background, in my opinion, the applicant deserves to be granted bail in connection with the crime in question, till conclusion of trial.

9. Hence, the Application is allowed.

(a) The applicant - Vinod s/o. Vitthalrao Patil is directed to be released on bail, in connection with Crime No. 96/2016, registered at City Police Station, Osmanabad, District Osmanabad, for offences punishable under Sections 304B, 498A, read with Section 34 of the Indian Penal Code, on his executing P.R. Bond in the sum of Rs. 15,000/- with one surety in the like amount.

(b) The applicant shall make himself available for investigation / interrogation as and when reasonably called by the Investigating Officer.

(c) The applicant shall not try to contact any of the prosecution witnesses and he shall not try to tamper with the prosecution evidence in any manner whatsoever.

10. The Criminal Application stands disposed of
in the aforesaid terms.

(N.W. SAMBRE)
JUDGE

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