

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

9 CRIMINAL APPLICATION NO. 3462 OF 2016

BALAJI S/O GANPATRAO WANKHEDE AND ANOTHER

VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr Ghatol Patil Shahaji B.
APP for Respondents: Mr S D Ghayal

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CORAM : V.K. JADHAV, J.
Dated: July 20, 2016

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PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the Respondent State. Perused the application and investigation papers.

2. On the basis of complaint lodged by one Krishna Suryawanshi dated 24.5.2016, Crime bearing No.25/2016 came to be registered at Sonkhed Police Station, Tq Loha, District Nanded for the offence punishable u/s 306, 498-A, 323 read with section 34 of the Indian Penal Code. It has alleged in the complaint that, deceased Priyanka who happened to be a sister of the informant was given in marriage to accused Madhav Wankhede in the year 2010 and they have three children out of their marital wedlock. She was treated well for some days and thereafter subjected to ill-

treatment by her husband on account of his addiction to playing of cards and consuming of liquor. Furthermore, present applicants and husband Madhav also started giving her ill-treatment by demanding certain amount. On 23.5.2016 the informant came to know from his maternal uncle Shivaji that his sister Priyanka found dead in one well alongwith her children. It has further alleged in the complaint that, her husband accused Madhav and all the family members including present applicants subjected deceased Priyanka to cruelty and therefore she had committed suicide by jumping in to well alongwith children. On the basis of these allegations, present applicants came to be arrested on 24.5.2016 and since then they are in jail. This application is filed for getting release on bail. Their application for similar prayer came to be rejected by the Additional Sessions Judge, Kandhar dated 20.6.2016 by order passed below Exh.1 in Misc Cri Appln No.77/2016.

3. Learned counsel for the applicant submits that, on the basis of the aforesaid complaint, husband Madhav came to be arrested by the police and he is released on bail by the Sessions Court by order dated 14.7.2016 in Misc. Cri Appln No.112/2016. Learned counsel submits that main allegations are made against accused Madhav and he is

released on bail. Learned counsel submits that, so far as death of children is concerned, a separate crime bearing No.26/2016 came to be registered against deceased Priyanka for causing death of her children by jumping into the well alongwith them.

4. Learned APP submits that, investigation is yet to be completed. Serious allegations have been made against present applicants. They subjected deceased Priyanka to cruelty as defined u/s 498-A and since Priyanka died within seven years of her marriage, in light of provisions of section 113-A of the Evidence Act, presumption of her abetment of commission of suicide is in favour of the prosecution.

5. On careful perusal of the complaint, it appears that, deceased Priyanka was subjected to cruelty by her husband accused Madhav Wankhede and at his instance other applicants were demanding certain amount from deceased Priyanka. Even though, there are allegations about the ill-treatment against all family members, no details are mentioned in the complaint nor specific instances are quoted. Since the main accused has been released on bail by the Sessions Court, I am inclined to release the present applicants on bail. Hence, following order is passed.

ORDER

- I. Criminal Application is hereby allowed.
- II. Applicant No.1) - Balaji Ganpatrao Wankhede and 2) - Nila @ Nilabai w/o Balaji Wankhede be released on bail in connection with Crime bearing No.25/2016 registered with Sonkhed Police Station, Tq. Loha District Nanded for the offences punishable u/s 306, 498-A, 323 read with section 34 of the Indian Penal Code on furnishing P.B of Rs.15,000/- (Rs. Fifteen Thousand) Each with one surety of the like amount by each of them.
- III. Bail before the Trial Court.
- IV. Application accordingly disposed of.

(V.K. JADHAV, J.)

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