

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

5 CRIMINAL APPLICATION NO. 5408 OF 2016

PRABHAKAR S/O PANDHARINATH RAUT

VERSUS

THE STATE OF MAHARASHTRA

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Mr. N.S.Ghanekar, Advocate for Applicants.

Mr. S.P.Sonpawle, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 21st, OCTOBER 2016

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PER COURT :

1. The applicants/accused in Crime No. 158/2016 registered at Sillegaon police station, Tq. Gangapur, Dist. Aurangabad for the offences punishable u/ss 302,498-A,354,109 read with 34 of the Indian Penal Code, by this application are praying for releasing them on bail after filing of the charge sheet.

2. Heard the learned counsel for the applicants as

well as learned A.P.P. Learned A.P.P. opposed the application by contending that there was strong motive with applicants and co-accused to eliminate deceased Jaishree. F.I.R. itself goes to show that applicant No. 1 was casting his evil eye on deceased Jaishree and she was not succumbing to his advances. Learned A.P.P. further argued that the incident took place in the residential house of both applicants and death of Jaishree is homicidal. Therefore, according to learned A.P.P., the applicants are not entitled for bail.

3. Perused the charge sheet. The applicants are in-laws of deceased Jaishree. She died homicidal death in the residential house of the applicants, which was also used to be shared by her husband Krushna Prabhakar Raut. Jaishree suffered 5 ante-mortem injuries and died because of Cardio Respiratory Arrest due to Hypovolemic shock due to Lacerated stab injury. The incident in question took place in the night intervening 06/06/2016 and 07/06/2016.

4. According to the prosecution case, as reflected from F.I.R. lodged by mother of the deceased as well as from the statements of parental relatives of deceased Jaishree, the

applicants and husband of Jaishree were subjecting her to cruelty. Applicant No. 1 Prabhakar s/o Pandharinath Raut, father-in-law of deceased Jaishree, was attempting to outrage her modesty time and again by his advances. Because of harassment by accused persons, Jaishree was taken to her parental house. From there she lodged report to the Superintendent of Police. Then, according to the prosecution case, there was meeting in the village Sillegaon, which was attended by Police Patil of the village. Then Jaishree was sent back for resuming cohabitation with her husband Krushna at village Sillegaon. In the morning hours on 07/06/2016, dead body of Jaishree, with injuries on her body, was found in the house of present applicants as well as their son Krushna Raut.

5. Spot panchanama recorded immediately after the incident shows that dead body of Jaishree was lying in the room of the house with an axe lying nearby. A chit was found lying near dead body. That chit came to be seized by the Investigating Officer. At that time, Krushna Prabhakar Raut – husband of deceased Jaishree was found absconding. Ultimately, dead body of Krushna Raut was found in decomposed condition inside the well. Postmortem report of

Krushna Prabhakar Raut annexed with the charge sheet, *prima facie*, shows that he had committed suicide after the incident.

6. In back-ground of facts that deceased Jaishree was making allegations about outraging her modesty by her father-in-law, meeting with respectable persons in the village took place on 05/06/2016 and homicidal death of Jaishree took place immediately on the next day after resumption of cohabitation with Krushna Prabhakar Raut.

7. Perusal of the chit, found near dead body of Jaishree, shows that, *prima facie*, Jaishree was done to death by her husband Krushna, who subsequently committed suicide. The material in the chit shows depressed mood of the writer because of the allegations on his parents by a woman, most probably his wife Jaishree. The writer had given abuses to a woman referred to in the chit and had also given curse to the other persons responsible for plight of his parents.

8. Statement of Balu Wagh – Police Patil shows that in the meeting convened at village Sillegaon on 05/06/2016 in presence of all persons, Jaishree made allegations against

her father-in-law i.e. father of her husband Krushna. A chit was found lying near dead body and this episode was followed by probable suicidal death of Krushna.

9. Statements of villagers and particularly that of Mandabai, neighbour of the applicants, goes to show that on 06/06/2016, both applicants had gone to Lasurgaon and they returned to their house at Sillegaon on 07/06/2016. It is seen that after entry in the house, both applicants immediately came out of the house shouting loudly and then they disclosed the neighbours that Jaishree is lying dead in their house.

10. With this evidence on record against present applicants, their further pre-trial detention in the crime in question is not warranted. Hence, the following order.

(i) The application is allowed.

(ii) Applicant No. 1 Prabhakar s/o Pandharinath Raut and applicant No. 2 Meerabai w/o Pandharinath Raut in Crime No. 158/2016 registered at Sillegaon police station, Tq. Gangapur, Dist. Aurangabad for the offences

punishable u/ss 302,498-A,354,109 read with 34 of the Indian Penal Code be released on bail on executing P.R. Bond of Rs. 20,000/- [Rupees Twenty Thousand] each and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicants shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicants shall not tamper the evidence of the prosecution.

(v) The applicants shall co-operate the trial Court in the expeditious disposal of trial against them.

[A.M.BADAR, J.]