

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

Criminal Application No. 5425 of 2016

District : Aurangabad

Babasaheb s/o. Navnath Waghchaure,
Age : 27 years,
Occupation : Agriculturist,
R/o. Dahegaon Bor,
Taluka : Vaijapur,
District : Aurangabad. .. Applicant.

versus

The State of Maharashtra,
Through Police Inspector,
Police Station, Vaijapur,
District : Aurangabad. .. Respondent.

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Mr. L.K. Pradhan, Advocate, for the applicant.

*Mr. A.S. Shinde, Addl. Public Prosecutor, for the
respondent.*

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CORAM : A.M. BADAR, J.

DATE : 17TH OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. I-207/2016 registered with Vaijapur Police Station, Taluka Vaijapur, District Aurangabad, for offences punishable under Sections 306, 498A, 323, 504, read with Section 34 of the Indian Penal Code, is seeking

his release on bail.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that necessary investigation qua the present applicant is already over. The learned Counsel further argued that averments in the FIR as well as statements of witnesses does not reflect legal cruelty.

3. The learned Addl. Public Prosecutor opposed the application by contending that the crime in question is serious and Swati died in about two years of her marriage with the present applicant. There was demand of Rs. 50,000/- from her and therefore as the investigation is still pending, the applicant is not entitled for bail.

4. Perused papers of investigation. Swati married present applicant on 05.04.2014. She died at her matrimonial house because of burn injuries suffered by her on 25.07.2016. As such the death is within two years of married life of Swati with the present applicant.

5. Perusal of the FIR as well as statements of witnesses goes to show that by coercing Swati for bringing Rs. 50,000/- from her parents, the applicant as well as co-accused were harassing her. Averments in this regard are to the effect that Swati was used

to be assaulted by the applicant and co-accused, apart from giving abuses to her. It is also seen that in the interregnum, parental relatives of deceased Swati paid Rs. 10,000/- to the present applicant and requested the applicant and matrimonial relatives not to harass Swati. It is also seen that Swati could not bear child out of this wedlock. Therefore, it is averred that she was subjected to cruelty. According to the prosecution case, accused persons went upon to marry the applicant with another woman.

6. Considering the nature of offence and as the investigation is going on, no case for bail is made out.

7. The Application is accordingly rejected.

(A.M. BADAR)
JUDGE

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