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

CRIMINAL APPLICATION NO.5702 OF 2016

Ganesh Bhika Sapkal,
Age: 27 years, Occ: Labour,
R/o. Mistry Colony, Chikalthana,
Aurangabad, Tq. & Dist. Aurangabad. ..APPLICANT

VERSUS

The State of Maharashtra
Fardapur Police Station,
Tq. Soyegaon, Dist. Aurangabad
Through its Investigating Officer. ..RESPONDENT

Mr M.K. Bhosale, Advocate for applicant;
Mr C.V. Dharurkar, Add. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 28th NOVEMBER, 2016

ORAL ORDER :

Heard.

2. The applicant who has been arrested on 11th August, 2016 in connection with Crime No. I-63 of 2016 registered with Fardapur Police Station, Taluka Soygaon, District Aurangabad, for offences punishable under Sections 498-A, 304-B of the

(2)

Indian Penal Code, as well as for offences punishable under Sections 3 and 4 of the Dowry Prohibition Act, seeks his release on bail.

3. As per first information report lodged by father of one Vaishali, his daughter Vaishali was married with the applicant in February, 2015. It is stated that the said daughter was harassed on account of demand of dowry and on two occasions, she had returned to her parental home. On 10th August, 2016 said Vaishali died on account of drowning. Pursuant to the aforesaid report, the applicant was arrested.

4. It is submitted by the learned Counsel for the applicant that in the first information report, no specific overt act in the matter of demand of dowry is made against the present applicant. The statements are of general nature. He refers to the post mortem report to indicate absence of any injuries and that the death was caused due to drowning. It is submitted that as the charge sheet

(3)

has been filed, there is no reason to further to keep the applicant behind the bars.

5. The application is opposed by learned Additional Public Prosecutor by relying upon the charge sheet and the statements of the witnesses. He submits that even prior to 10th August, 2016 there was complaint by the said Vaishali with regard to illtreatment. He further submits that the applicant being husband is not entitled for his release on bail.

6. Perused the first information report as well as the charge sheet. The statements of mother of the deceased and other relatives indicate that there was demand of dowry amount from the family members. There is no specific statement attributing such demand insofar as the applicant is concerned. The death in question is on account of drowning. Considering the fact that the charge sheet has filed on 25th October, 2016 after completion of investigation, no useful purpose would be served in

(4)

keeping the applicant behind the bars.

7. In that view of the matter, the following order is passed:-

(i) The applicant shall be released on bail, in connection with Crime No. I-63 of 2016 registered with Fardapur Police Station, Taluka Soygaon, District Aurangabad, for offences punishable under Sections 498-A, 304-B of the Indian Penal Code, as well as for offences punishable under Sections 3 and 4 of the Dowry Prohibition Act, on his furnishing P.R. bond of Rs.15,000/-, with one surety in the like amount.

(ii) He shall attend the Court of the learned Sessions Judge, Aurangabad on 15th of every month and as per the directions of the learned Sessions Judge.

(iii) No steps shall be taken by him to tamper with the material collected by the prosecution and

(5)

shall co-operate for completion of trial.

8. It is clarified that the observations made in this order are only for the purpose for deciding the present bail application.

9. Criminal Application is allowed on above terms and disposed of.

(A.S. CHANDURKAR, J.)

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