

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6062 OF 2016

- 1] Sandip S/o Annasaheb Mote,
Age : 35 years, Occu.: Service,
- 2] Pushpa W/o Sandip Mote,
Age : 30 years, Occu.: Household,
R/o : Garaj, Tal. Vaijapur,
District : Aurangabad .. Applicants

Vs.

The State of Maharashtra
Through the Superintendent of Police,
Aurangabad .. Respondent

Mrs. M.D. Thube-Mhase, Advocate for Lex Aquila for the
applicants
Mr. R.V. Dasalkar, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.
DATE : 09/12/2016

ORAL ORDER :

Heard.

2. The applicants apprehend their arrest in Crime no.I-272 of 2016 registered with Vaijapur Police Station, Dist. Aurangabad for the offences punishable under Section 306, 498-A, 304-B r/w. 34 of the Indian Penal Code.

3. As per the FIR, the informant has stated that his daughter was married with one Pradip Mote, son of the present applicant on 25/5/2014. There was demand of dowry by the family of the husband, due to which she was harassed from time to time. On 5/10/2016, missing report was lodged, as his daughter was not traceable. On 7/10/2016, the dead body of said daughter was found in a well, resulting in registration of the aforesaid offence.

4. It is submitted by learned counsel for the applicants that the allegations in the FIR are of general nature and it does not specify any overt act. The applicants were residing elsewhere. There was no previous report lodged with regard to harassment or ill-treatment. It is submitted that the deceased on her own accord, put an end to her life. It is therefore prayed that the application be allowed.

5. The application is opposed by learned Additional Public Prosecutor by relying upon the police papers. He submitted that statements recorded indicate

the demand of dowry and harassment of the deceased on the said ground. Considering the aforesaid fact, the application deserves to be dismissed.

6. I have perused the contents of the FIR as well as the police papers.

7. The record indicates that applicant no.1 is serving with the M.S.E.D.C.L. and is residing at a place different from the residence of his father and brother. The only allegations against the applicants is that they used to join other members of the family in harassing the deceased.

8. This Court vide order dated 27/10/2016, has granted interim protection. I do not find that any case been made out to refuse protection to these applicants.

9. In view of aforesaid, the following order:-

ORDER

I) In the event of applicants' arrest in connection with Crime no.I-272 of 2016 registered with

Vaijapur Police Station, Dist. Aurangabad for the offences punishable under Section 306, 498-A, 304-B r/w. 34 of the Indian Penal Code, they shall be released on bail, upon each of them executing P.R. bond of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount.

II) The applicants shall co-operate in the investigation and attend the concerned Police Station as per the directions of the Investigating Officer.

III) The applicants shall not attempt to influence the prosecution witnesses or tamper the evidence of the prosecution.

10. Observations made in this order are only for the purposes of considering the present Application.

11. Criminal Application is accordingly allowed and disposed of.

[A.S. CHANDURKAR]
JUDGE

arp/