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

CRIMINAL APPLICATION NO.6064 OF 2016

1. Chandrabhan s/o Dasu Kurhade,
Age: 52 years, Occ: Agri.,
R/o. Sashte Pimpalgaon,
Tq. Ambad, Dist. Jalna.
2. Phulabai w/o Chandrabhan Kurhade,
Age: 45 years, Occ: Agri.,
& Household, R/o. Sashte
Pimpalgaon, Tq. Ambad,
Dist. Jalna. ..APPLICANTS

VERSUS

The State of Maharashtra
Through Police Station Chaklamba
Dist. Beed. ..RESPONDENT

Mr S.J. Salunke, Advocate for applicants;
Mr C.V. Dharurkar, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 13th DECEMBER, 2016

ORAL ORDER :

The applicants, who have been arrested on
12th July, 2016, seeks their release in connection
with Crime No.90 of 2016 registered with Chaklamba
Police Station, District Beed, for the offences
punishable under Sections 302, 304-B, 498-A, 201,

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read with Section 34 of the Indian Penal Code.

2. As per the first information report, the daughter of the informant was married with the son of the applicants in the year 2012. It is stated that there was demand of dowry from the daughter of the informant, due to which, the daughter of the informant was harassed and driven away from the house. Thereafter, there was meeting between two families to settle the matter on 10th July, 2016. After the said meeting, the applicants left the said village while Sangita stayed at the house of accused Nos. 4 and 5. On the next day, her dead body was found in a well and it was told that she had been burnt prior to her death.

3. It is submitted by the learned Counsel for the applicants that after completing investigation, charge sheet has been filed. The statement of witnesses recorded indicate that the present applicants were not at village when the incident of death by drowning occurred. He has referred to the

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statement of the taxi driver who had taken the applicants back to their village after the joint meeting. It is submitted that burnt clothes of the deceased were seized at the instance of accused Nos. 4 and 5 and therefore, further detention of the present applicants is not warranted.

4. The application is opposed by the learned Additional Public Prosecutor by relying upon the police papers. It is submitted that considering the demand for dowry and unnatural death of Sangita, the applicants do not deserve to be released. He refers to the statements of relatives of the deceased to indicate the demand of dowry by the applicants.

5. I have perused the first information report as well as charge sheet. *Prima facie* material on record indicates that both the applicants had left the concerned village in a jeep driven by one Krishna Zare. It is, thereafter that Sangita, who was left at the house of accused Nos. 4 and 5 was found dead. The burnt clothes of the

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victim were seized at the instance of accused Nos. 4 and 5. Considering aforesaid aspects and the fact that after completion of investigation, the charge sheet has now been filed, I find that the applicants deserve to be enlarged on bail. Hence, the following order is passed :-

: O R D E R :

(i) The applicants are directed to be released on bail in connection with Crime No.90 of 2016 registered with Chaklamba Police Station, District Beed, for the offences punishable under Sections 302, 304-B, 498-A, 201 read with Section 34 of the Indian Penal Code, on furnishing P.R. bond of Rs.15,000/- each, with one surety in the like amount.

(ii) The applicants shall attend the Court of learned Sessions Judge, Beed on 20th of every month and thereafter as per the directions of the learned Sessions Judge.

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(iii) The applicants shall not take any steps to influence the prosecution witnesses.

6. The aforesaid observations are made only for the purposes of deciding present application.

7. Criminal Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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