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

CRIMINAL APPLICATION NO.6170 OF 2016

Ram s/o Dnyanoba Chate,
Age: 62 years, Occ: Pensioner,
R/o. Dharampuri, Tq. Parli,
Dist. Beed.

..APPLICANT

VERSUS

The State of Maharashtra
Through I.O. Police Station
Kingaon, Tq. Ahmedpur,
Dist. Latur.

..RESPONDENT

Mr P.B. Patil, Advocate for applicant;
Mr S.D. Ghayal, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 13th DECEMBER, 2016

ORAL ORDER :

The applicant, who has been arrested on 6th October, 2016, seeks his release in connection with Crime No. 146 of 2016 registered with Kingaon Police Station, Taluka Ahmedpur, District Latur, for the offences punishable under Sections 304-B, 406, 498-A, 323, 504 read with Section 34 of the Indian Penal Code.

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2. As per the first information report, the son of the applicant was married with the daughter of the informant on 28th March, 2016. According to the informant, there was demand of dowry to the extent of Rs.5,20,000/- but because of financial conditions of the informant, same could not be satisfied. Since June, 2016 the informant's daughter was residing with him. On 10th September, 2016 the wife of the informant and their daughter had been to the village with the informant but the daughter was not permitted to stay there. On 6th October, 2016 the dead body of the informant's daughter was found in a well.

3. It is submitted by the learned Counsel for the applicant that his daughter in law was residing with her parents since June, 2016. There was no proximity in the allegations with regard to harassment and death of Vaishali. It is submitted that the applicant purchased certain land even prior to his son's marriage on 14th December, 2015. Hence, the allegation that the applicant intended

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to purchase some land appears to be improbable. It is submitted that as the applicant is aged 62 years, he deserves to be released especially in the background that even Vaishali was taking psychiatric treatment from during her life time.

4. The application is opposed by the learned Additional Public Prosecutor by relying upon the police papers. According to him, the statements recorded implicate the present applicant. As the death has occurred within seven years of marriage, presumption under law is applicable. It is, therefore, submitted that the application deserves to be rejected.

5. Perused the police papers. Same indicate that from June, 2016 Vaishali was staying at her parent's home. The incident that has occurred on 10th September, 2016 does not refer to the present applicant. The death has occurred about four months after Vaishali started residing at her parent's house. The allegations of demand of dowry

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are of general nature. The statement made in the note recovered from the deceased contains general allegations. In view of aforesaid, I am inclined to allow the application. Hence, the following order is passed : -

: O R D E R :

(i) The applicant is directed to be released on bail in connection with Crime No. 146 of 2016 registered with Kingaon Police Station, Taluka Ahmedpur, District Latur, for the offences punishable under Sections 304-B, 406, 498-A, 323, 504 read with Section 34 of the Indian Penal Code, on furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.

(ii) The applicant shall attend the concerned police station on 23rd December, 2016 and thereafter as per the directions of the Investigating Officer.

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(iii) The applicant shall not take any steps to tamper with the prosecution witnesses.

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

7. Criminal Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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