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

CRIMINAL APPLICATION NO.6238 OF 2016

1. Balwant @ Baliram Gangaram Tate,
Age : 68 years, Occ. Agri.,

2. Yeshwant Gangaram Tate,
Age : 44 years, Occ. Agri.,

Both R/o Pokhari, Tq. Loha,
Dist. Nanded

..APPLICANTS

VERSUS

The State of Maharashtra

..RESPONDENT

Mr A.M. Gaikwad, Advocate for applicants;

Mr V.M. Kagne, Addl. Public Prosecutor for respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 2nd December, 2016

ORAL ORDER

Heard.

2. The applicants, who have been arrested on 18th October, 2016, seek their release on bail, in connection with C.R. No.190 of 2016, registered at Loha Police Station, Dist. Nanded, for offences punishable under Sections 498-A and 306 of the Indian Penal Code.

3. As per the first information report dated 11th October, 2016 lodged by the father of one Sanjivani, his daughter was married prior to four years. It is stated in the report that demand of Rs.4 Lacs was being made by his son-in-law and his parents. Prior to about two years, amount of Rs.1 Lac had been given, but the harassment of his daughter continued. On 11th

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October, 2016, said Sanjivani died of drowning in the well. On this basis offence came to be registered.

4. The learned Counsel for the applicants submitted that since their arrest, the statements have been recorded and except general allegations of harassment, nothing further has come on record. It is submitted that even in the first information report no specific role is attributed to any of the applicants. Considering the nature of offence, it is submitted that there is no reason to keep the applicants behind bars.

5. The application is opposed by the learned Addl. Public Prosecutor by relying upon the police papers. According to him, considering the demand for dowry as narrated in the first information report, the applicants are not entitled to be released on bail. He has referred to the statements of the family members of the deceased in that regard.

6. Considering the statements made in the first information report and in absence of any specific role attributed to the present applicants, I find that applicants are entitled to be released on bail. They can be directed to co-operate with the investigation as a condition for their release.

7. In view of aforesaid, the applicants are directed to be released on bail, in connection with C.R. No.190 of 2016, registered at Loha Police Station, Dist. Nanded, for offences punishable under Sections 498-A and 306 of the Indian Penal Code, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

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- (i) The applicants shall attend the concerned police station as and when directed by the Investigating Officer.
- (ii) No steps shall be taken to coerce the prosecution witnesses.

Observations made in this order are only for deciding the present application.

Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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