

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6243 OF 2016

Annasaheb S/o Bhimraj Mote,
Age : 57 years, Occu.: Agriculture,
R/o : Kiratpur, Tal. Vaijapur,
District : Aurangabad .. Applicant

Vs.

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

Mrs. Madhaveshwari D. Thube Mhase, Advocate for Lex Aquila
for the applicant
Mr. R.V. Dasalkar, APP for the respondent/State

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

ORAL ORDER :

Heard.

2. The applicant, who has been arrested on 8/10/2016 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, seeks his release on bail.

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 applicant that the allegations in the FIR are of general nature and it does not specify any overt act. 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 submitted that considering the age of the applicant and the fact that the applicant's wife has already been released on bail, it is 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 fact that applicant is father-in-law of deceased, the application deserves to be dismissed.

6. Perused the police papers as well as FIR. In the said report, it has been stated in general terms that the daughter of the informant was being harassed on account of demand of dowry. It is seen from the said report that certain amounts were paid to the family of the applicant. After the registration of the offence, the applicant is in custody since 8/10/2016. Considering the nature of statements made in the FIR and as there are no injuries seen on the body of the deceased, who has died due to drowning, I do not find further detention of the applicant necessary.

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

I) The applicant is directed to be released on bail 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, upon 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 23/12/2016 and, thereafter, as per the directions of the Investigating Officer.

III) No steps shall be taken by the applicant to influence the prosecution witnesses.

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

9. Criminal Application is accordingly allowed and disposed of.

[A.S. CHANDURKAR]
JUDGE

arp/