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

CRIMINAL APPLICATION NO.6245 OF 2016

1. Padminbai w/o Gangadhar Yelme,
Age: 49 years, Occ: Service,
(Anganwadi Madatnis)
R/o. Bijur, Tq. Biloli,
Dist. Nanded.
2. Raju @ Rajeshwar s/o Gangadhar
Yelme,
Age: 22 years, Occ: Education,
R/o. Bijur, Tq. Bilkoli,
Dist. Nanded. ..APPLICANTS

VERSUS

The State of Maharashtra
Through Police Station Ramtirth,
Tq. Biloli, Dist. Nanded. ..RESPONDENT

Mr H.H. Padalkar, Advocate for applicants;
Mr V.S. Badakh, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 13th DECEMBER, 2016

ORAL ORDER :

The applicants who have been arrested on
10th March, 2016 seek their release in connection
with Crime No. 27 of 2016 registered at Ramtirth
Police Station, District Nanded for the offences
punishable under Sections 498-A, 306 read with

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Section 34 of the Indian Penal Code.

2. As per the first information report, the daughter of the informant – Dhanashri was married with the son of applicant No.1 on 17th December, 2014. It is stated that the informant's daughter was complaining that she was being harassed by her in-laws for bringing Rs.2,00,000/- from her parental home. On 23rd February, 2016 the daughter of the informant burnt herself and was subsequently succumbed to the said injuries on 29th February, 2016. On that basis, the aforesaid crime came to be registered.

3. It is submitted by the learned Counsel for the applicants that from dying declarations recorded, it can be seen that statements of general nature have been made against the applicants. She has stated in the first dying declaration that as her husband was not speaking with her, she got herself burnt. Subsequent dying declaration states that the applicants used to speak roughly with her

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and that she could not stay without her husband when he went for his duty. It is submitted that since the charge sheet has been filed after completing investigation, the applicants deserve to be released on bail.

4. The application is opposed by the learned Additional Public Prosecutor by relying upon the police papers. It is submitted that cause of death was harassment at the hands of the present applicants. The dying declarations clearly implicate the present applicants. It is submitted that considering the gravity of the offence and demand for dowry, the application deserves to be rejected.

5. Perused the material on record. The dying declarations recorded on 23rd February, 2016 and 24th February, 2016 indicate the general nature of statements that Dhanashri was being harassed by the present applicants. It was also stated that as her husband was not speaking to her, she got herself

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burnt. There is no reference to any demand for dowry. Considering the nature of the statements made in the dying declarations coupled with the fact that the charge sheet has been filed on 21st May, 2016, the applicants are entitled to be released on bail. The applicants have been behind the bars for almost nine months and the trial is yet to commence.

6. In view of aforesaid, 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. 27 of 2016 registered at Ramtirth Police Station, District Nanded, for the offences punishable under Sections 498-A, 306 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

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learned Sessions Judge, Biloli, District Nanded on 22nd of each month and as per directions of the learned Sessions Judge.

(iii) The applicants shall not tamper with the prosecution witnesses.

7. The observations made in this order are only for the purpose of deciding the present application.

8. Criminal Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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