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

CRIMINAL APPLICATION NO.6330 OF 2016

1. Chandrakala w/o Panditrao Garbade,
Age : 50 years, Occ. Household,
R/o Mahunagar, Plot No. MNC-47,
New Balajinagar, Aurangabad
2. Panditrao s/o Rakhmaji Garbade,
Age : 60 years, Occ. Retired,
R/o Mahunagar, Plot No.MNC-47,
New Balajinagar, Aurangabad ..APPLICANTS

VERSUS

The State of Maharashtra,
(Through Jawahar Nagar
Police Station, Aurangabad) ..RESPONDENT

Mr N.S. Ghanekar, Advocate for applicants;
Mr S.N. Morampalle, Addl. Public Prosecutor for respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 16th December, 2016

ORAL ORDER

The applicants apprehend their arrest, in connection with C.R. No.338 of 2016, registered at Jawahar Nagar police station, Aurangabad, for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code.

2. As per the first information report, the informant has reported that his daughter was married with the son of the applicants on 15th December, 2014. It is stated that there was a demand of dowry for purchasing a four

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wheeler, due to which his daughter was harassed. It is stated that threat of remarriage was given by the husband, as a result of which his daughter committed suicide.

3. It is submitted by the learned Counsel for the applicants that in the first information report the allegations against the present applicants are of general nature. The threat of killing his daughter and remarrying if the amount of dowry is not given is levelled against the husband who is behind bars. It is submitted that considering these facts, the applicants are entitled for protection.

4. The application is opposed by the learned Addl. Public Prosecutor by relying upon the police papers. He has referred to the statements of neighbours to indicate that the informant's daughter was not talking freely as she was under the apprehension that her husband and mother-in-law would scold her. It is submitted that as the death has occurred within short period of two years of marriage, present applicants are not entitled for relief.

5. I have perused the first information report as well as the police papers. Same indicate that according to the neighbours, the informant's daughter was having an apprehension that if she spends time otherwise, she would be scolded by her mother-in-law and husband. The cause of death as per the post mortem report is by hanging and no injuries were found on the body. Considering the specific assertion made by the

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informant against his son-in-law that if the amount of dowry was not given his daughter would be killed and he would re-marry, I find present applicants are entitled for protection. Instead, they can be directed to co-operate in the investigation as nothing remains to be seized.

6. In view of aforesaid, in the event of applicants' arrest, in C.R. No.338 of 2016, registered at Jawahar Nagar police station, for an offence punishable under section 306 read with Section 34 of the Indian Penal Code, they shall be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in like amount.

(i) The applicants shall co-operate with the investigation and attend the concerned police station as and when directed by the Investigating Officer.

(ii) No steps shall be taken to coerce the prosecution witnesses.

7. Observations made in this order are only for deciding the bail application. Same is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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