

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6738 OF 2016

Gampu S/o Nandu Rathod,
Age : 70 years, Occu.: Agri.,
R/o : Warola Tanda, Tq. Majalgaon,
Dist. : Beed .. Applicant

Vs.

The State of Maharashtra
Through the P.I.
Police Station Majalgaon Rural,
Taluka Majalgaon, Dist. : Beed .. Respondent

Mr. P.N. Muley, Advocate for the applicant
Mr. S.P. Deshmukh, APP for the respondent/State
Mr. Vilas P. Savant, Advocate to assist APP

CORAM : A.S. CHANDURKAR, J.
DATE : 20/12/2016

ORAL ORDER :

Heard.

2. The applicant, who has been arrested on 17/11/2016 in connection with Crime no.258 of 2016 registered with Majalgaon Rural Police Station, Tq. Majalgaon, Dist. Beed for the offences punishable under Sections 498-A, 306 read with 34 of the Indian Penal Code, seeks his release on bail.

3. As per the FIR dated 17/11/2016 lodged by the brother of one Savita, it has been stated that her marriage took place with the son of the applicant prior to about 12 years. The informant learnt that on the previous day, his sister Savita had consumed some poison and when she was referred for medical treatment, she expired. In the report, it is stated that there was demand of dowry from the in-laws and that she was being harassed to bring a motorcycle. On that basis aforesaid crime came to be registered.

4. It is submitted by learned counsel for the applicant that there are no allegations of ill-treatment or demand of dowry at the instance of the applicant, who is the father-in-law. It is submitted that applicant is aged about 70 years and in absence of any such allegation, he deserves to be released on bail.

5. The Application is opposed by learned Additional Public Prosecutor as well as learned counsel assisting the prosecution. Statements of relatives of the deceased are relied upon to indicate instances of ill-treatment, harassment and demand of dowry. It is

submitted that considering the seriousness of the offences, the application deserves to be rejected.

6. Perused the police papers as well as documents filed on record. Statements of the relatives of the deceased do not implicate the present applicant. Insofar as allegations of harassment or demand of dowry are concerned, the same are not made against the present applicant. The aspect of abetment insofar as present applicant is concerned, also appears to be lacking. The allegations as made are against the husband of the deceased and his mother. Considering the aforesaid material, I find that a *prima facie* case has been made out by the applicant on the basis of which, he is entitled to be released on bail.

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

ORDER

I] The applicant, who has been arrested in connection with Crime no.258 of 2016 registered with Majalgaon Rural Police Station, Tq. Majalgaon, Dist. Beed for the offences punishable under Sections 498-A, 306 read with 34 of the Indian Penal Code, is directed

to be released on bail, 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 as and when directed by the Investigating Officer.

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

8. By clarifying that the observations made in this order are only for deciding the bail Application, the same is accordingly allowed and disposed of.

[A.S. CHANDURKAR]
JUDGE

arp/