

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

CRIMINAL APPLICATION NO.6979 OF 2015

1. Falguni @ Fulabai w/o  
Muktaram Vaidhya,  
Age 57 years, Occu.Agri.,
2. Ashwini @ Ashabai w/o  
Sanjay Vaidhya, Age 25 years,  
Occu. Household
3. Sanjay s/o Muktaram Vaidhya,  
Age 28 years, Occu. Agri.,

All R/o Kusali, Taluka Badnapur,  
District Jalna

..Applicants

Versus

- . The State of Maharashtra,  
through Police Station Officer,  
Badnapur Police Station,  
Taluka Badnapur, District Jalna

..Respondent

Mr P.P. More, Advocate for applicants  
Mr S.J. Salgare, A.P.P. for respondent

**CORAM : N.W. SAMBRE, J.**

**DATE : 4<sup>th</sup> January 2016**

**PER COURT**

Heard.

2. The applicants are seeking pre-arrest bail in Crime No.228 of 2015 registered at Badnapur Police Station, District Jalna on 6<sup>th</sup> December 2015, for the incident dated 5<sup>th</sup> December 2015, for the offences punishable under Sections 304-B, 498-A, 323, 504 read with sec.34 of Indian Penal Code.

3. The father of deceased Jyoti, complainant, on the basis of the treatment meted to her after her marriage and illegal demand of dowry has lodged the complainant against all the family members of the husband of Jyoti. Learned Counsel for the applicants would urge that there are sweeping allegations against the applicants and upon perusal of the contents of F.I.R., it depicts that after the marriage, demand of dowry cannot be attributed to the applicants. He would then urge that of the accused persons, husband of Jyoti Laxman and brother of her husband Ramesh are already arrested. According to him, in view thereof, custodial interrogation of the applicants, particularly applicant No.1, who is aged about 57 years, is not called for.

4. Learned A.P.P. opposed the prayer on the ground that the death of Jyoti has occurred within six months from the date of marriage. According to him, there is presumption as regards the involvement of the applicants, which is required to be rebutted by the applicants. He would then urge that the child in womb was murdered in the present case and as such, the applicants are not entitled for any mercy from this Court, particularly having regard to the narrations in the F.I.R.

5. Prima facie, from the perusal of F.I.R. it depicts that father of deceased Jyoti has made sweeping allegations against all the family members of the husband. Apart from above, husband Laxman and his brother Ramesh are already in the custody of the investigating agency.

6. It is no doubt true that the presumption as is provided under the Evidence Act goes against the interest of present applicants, however, this Court is also required to be alive to the sweeping allegations made in the F.I.R. against all the family members of the husband and the fact about arrest of two of the family members.

7. In that view of the matter, in my opinion, the applicants are entitled for bail. Hence, I proceed to pass the following order.

(I) In the event of their arrest in Crime No.228 of 2015, registered at Badnapur Police Station, Jalna, for the offences punishable under Sections 304-B, 498-A, 323, 504 read with sec.34 of Indian Penal Code, the applicants be released on bail upon furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty-five thousand) with one surety in the like amount.

(ii) The applicants shall attend the concerned Police Station on 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> January 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called by the Investigating Officer.

(III) The applicants shall keep themselves away from the jurisdiction of Badnapur Police Station, but for attending the Investigating Officer.

8. Criminal Application stands allowed in above terms.

**( N.W. SAMBRE, J.)**

vvr