

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

4 CRIMINAL APPLICATION NO. 1069 OF 2017

BABASAHEB S/O NAVNATH WAGHCHAURE
VERSUS
THE STATE OF MAHARASHTRA

Shri. V.R. Dhorde, Advocate, for applicant.

Shri. V.S. Badakh, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 23 March 2017

ORDER:

1) The application is filed for grant of bail. The learned counsel for the applicants has made statement that this is the first application filed for bail in this Court after filing of the charge sheet. Both sides are heard.

2) The crime is registered on the basis of the report given by brother of the deceased. The deceased was given in marriage to the present applicant on 5-4-2014. After the marriage she started cohabiting with the applicant in Dahegaon, Tahsil Vaijapur. The complainant

hails from village Panvi Budruk, Tahsil Vaijapur. Allegations are made that in November 2014 the husband and his relatives were asking the deceased to bring Rs.50,000/- as this amount was required for agriculture purpose. It is contended that somehow arrangement of Rs.10,000/- was made and the complainant convinced the applicant to behave well. Allegations are made that even after giving amount of Rs.10,000/-, ill-treatment to the deceased was continued by the present applicant. Allegations are made that in February 2016 the applicant asked the complainant to take back the deceased to the house of the parents as the demand was not met with and that there was grievance that the deceased was not conceived even after about 2 years of the marriage. In the month of March 2016 the applicant went to the house of the parents of the deceased to fetch her back to the matrimonial house as the marriage of his brother was settled. As undertaking was given by the applicant to treat the deceased well, deceased was sent to the applicant's house. Allegations are made that after 28-3-2016 on one occasion the deceased had disclosed on phone to the complainant that there was ill-treatment to her.

3) The incident in question took place on 25-7-2016 in the matrimonial house. The deceased set fire to herself after pouring kerosene on her person. There are statements of the relatives of the deceased on parental side.

4) Learned counsel for the applicant submitted that the deceased was mentally disorder and she was receiving treatment of psychiatric from prior to the date of the marriage. Learned counsel has shown to this Court some correspondence made by police with the concerned hospitals. The deceased had not conceived. There can be many reasons for suicide. The applicant is behind the bars since 29-7-2016. It is not certain as to how much time will be required for disposal of the case. The witnesses are from other village. In view of these circumstances this Court holds that bail needs to be granted in favour of the applicant.

5) In the result, the application is allowed. The applicant is to be released on bail in connection with Crime No. I-207/2016 registered in Police Station Vaijapur

for offences punishable under sections 498A, 306, 34 etc. of the Indian Penal Code on his furnishing P.B. and S.B. of Rs.15,000/-. The applicant is not to tamper with prosecution witnesses. He is not to enter village Panvi Budruk, Tahsil Vaijapur till disposal of the case filed against him.

(T.V. NALAWADE, J.)

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