

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

935 CRIMINAL APPLICATION NO. 1255 OF 2017

EKNATH S/O CHANDRABHAN KURHADE
VERSUS
THE STATE OF MAHARASHTRA

Shri. Sudarshan J. Salunke, Advocate, for applicant.

Shri. S.D. Ghayal, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 24 March 2017

ORDER:

1) The application is filed for bail. Both the sides are heard. It was submitted for the applicant that this is the first application filed in this Court by the applicant.

2) Charge sheet is filed against the applicant and others for offences punishable under sections 302, 304-B, 498-A, 201, 34 of the Indian Penal Code. Deceased Sangita was daughter of the complainant Dhondiram. The complainant hails from village, Gulaj (Bhagwan Nagar), Tahsil Georai. Sangita was given in marriage to the

present applicant who hails from Sasth Pimpalgaon, Tahsil Ambad, District Jalna. Allegations are made that there was ill-treatment to the deceased from the present applicant and the relatives as their demand of Rs.2 lakh was not met with. The deceased was living in the house of her parents till 10-7-2016. Attempt was made to settle the dispute and many persons took part in this attempt. In the meeting it was settled that Sangita was to return to the matrimonial house and so she was taken in custody by the present applicant and so they took her towards Umapur. Then the parents of the deceased learnt that the deceased was taken to the house of Shankar who was called as maternal uncle. There beating was being given to the deceased. This information was received in the night time. Some persons from the village of the complainant has seen the deceased in the house of Shankar on that night. The dead body of the deceased was recovered from well from village Umapur, Tahsil Georai, the place of Shankar. There were burn injuries on the dead body. Post mortem report shows that the death took place due to drowning and the extent of burns was 65%.

3) There are statements of witnesses like Ayub Pathan showing that on that night at Umapur when he learnt about the quarrels going on there he had taken police to the house of Shankar and attempt was made to convince the applicant and his relatives including Shankar. He had seen the applicant and Shankar and other relatives of the applicant in the house of Shankar at that time. That was the last time when somebody from the village of the complainant had seen the deceased alive.

4) From the above circumstances it can be said that the prosecution wants to prove that the deceased probably attempted to commit suicide by setting fire to herself in the house of Shankar. As she had sustained burn injuries, attempt was made to see that evidence is destroyed and the deceased was somehow lifted and taken towards well where she was thrown. She was alive when she was burnt in the house of Shankar and she died due to drowning. Some articles which were used for taking the deceased from the house to the well are recovered at the instance of Shankar and his wife. The spot panchanama shows that she had sustained burn injuries in

the house of Shankar.

5) It can be said that there was evidence at least as against Shankar and his wife but the Sessions Court has granted bail to Shankar. Till today, the State has not challenged that order. The learned counsel for the applicant took this Court through other evidence and he submitted that on that night present applicant was not present at Umapur. Though this circumstance cannot be considered at this stage, the fact remains that the State wants to prove that it was deceased who attempted to commit suicide and afterwards Shankar and his wife had lifted her and they had thrown her into well. In view of these circumstances and as the applicant is behind the bars since 12-7-2016 this Court holds that it is not desirable to keep the applicant behind the bars till disposal of the case. It is not certain as to how much time will be required for disposal of the case.

6) In the result, the application is allowed. The applicant is to be released on bail in connection with Crime No.90/2016 registered in Chaklamba Police Station

District Beed for offences punishable under sections 302, 304-B, 498-A, 201, 34 of the Indian Penal Code on his furnishing P.B. and S.B. of Rs.25,000/-. He is not to tamper with prosecution witnesses. He is not to commit similar offence. He is not to enter the village of the complainant and also village Umapur till disposal of the case.

Sd/-
(T.V. NALAWADE, J.)

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