

Criminal Application No. 01328 of 2017

District : Ahmednagar

2. Ashok Dagadu Haral,
Age : 55 years,
Occupation : Agriculture,
R/o. As above.

.. Applicants.

versus

The State of Maharashtra,
Through Police Inspector,
Police Station, Belwandi,
Taluka Shrigonda,
District Ahmednagar.

.. Non-applicant.

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Mr. A.S. More, Advocate, for the applicants.

Mr. R.V. Dasalkar, Addl. Public Prosecutor, for
the non-applicant.

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CORAM : T.V. NALAWADE, J.

DATE : 20TH MARCH 2017

ORAL ORDER :

By the present application, the applicants are seeking their release on bail in connection with

Crime No. I-138/2016, registered with Belwandi Police Station, Taluka Shrigonda, District Ahmednagar, for offences punishable under Sections 306, 498A, read with Section 34 of the Indian Penal Code.

02. Heard both sides.

03. It is submitted on behalf of the applicants, that this is second application for bail by the applicants. Their first application, which was filed before filing of the charge-sheet, was withdrawn .

04. Deceased Ashwini was daughter of complainant Kantabai Takle. The incident in question took place on 13.12.2016. The dead body of the deceased was found in the well of one Shital Shekhar Mohare. the FIR came to be given on 18.12.2016. The death took place due to drowning.

05. Allegations are made in the FIR by the mother of the deceased, that there was harassment to the deceased by her husband and relatives of the husband as they were not satisfied with the gifts given in the marriage. She has also made allegation that the father-in-law of the deceased had lustful eye on her daughter and on that count, she was harassed. It is contended that the husband of the deceased was called and he was informed about the complaint of the deceased and the husband had given promise to live separate from his father. The incident took place when the husband of the deceased

was living with his father.

06. Learned Addl. Public Prosecutor submitted that in the light of statements of witnesses, it needs to be presumed that there was no other alternative, than to commit suicide by the deceased and it is a case of death in unnatural circumstances.

07. The FIR in the present case was given on 18.12.2016, whereas the alleged incident took place on 13.12.2016. There is a delay of 05 days in lodging the FIR. The applicants are residents of village Mohorwadi (Kolgaon), Taluka Shrigonda, District Ahmednagar, and the complainant and prosecution witnesses are residents of village Mungusgaon, Taluka Shrigonda, District Ahmednagar. The applicants are behind the bars since 19.12.2016. In that view of the matter, this Court holds that it is not desirable to detain the applicants in custody till conclusion of the trial.

08. Hence, the Application is allowed.

Applicants are directed to released on bail in connection with Crime No. I-138/2016, registered with Belwandi Police Station, Taluka Shrigonda, District Ahmednagar, for offences punishable under Sections 306, 498A, read with Section 34 of the Indian Penal Code on their executing P.B. & S.B. of Rs. 25,000/- [Rupees twenty five thousand] each, on the following conditions :-

(a) The applicants shall not enter into village Mungusgaon till disposal of the case filed against them and they shall supply address of their residence and contact numbers to the concerned Police Station.

(b) The applicants shall not contact any of the prosecution witnesses and they shall not tamper with the prosecution evidence in any manner whatsoever.

(c) The applicants shall attend the trial on the dates fixed by the trial Court.

09. Needless to mention, that the observations made in this order are prima facie in nature which shall have no bearing on trial of case and the trial shall proceed on its own merits.

(T.V. Nalawade)
JUDGE

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