

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1431 OF 2017

Shahaji Sadashiv Dhumal and Anr.**Applicants.**

Versus

The State of Maharashtra**Respondent.**

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

Mr. S.M. Ganachari, APP for respondent/State.

CORAM : T.V. NALAWADE, J.

DATED : April 7, 2017.

ORDER :

1. The application is filed for bail. Both the sides are heard. A statement was made by the learned counsel for applicants that this is the first application by the applicants filed for bail in this Court. This Court has perused the papers of investigation.

2. The deceased was given in marriage to son of applicant No. 1 on 24.3.2014. The incident in question took place on 30.11.2016. The deceased was admitted in hospital by the husband and other relatives of the husband and information was given that she had attempted to commit suicide by hanging herself. This Court has gone through the P.M. Report and spot

panchanama. The P.M. Report shows that there were some injuries over head portion and there was supraorbital haematoma. Unfortunately, the ligature mark is not described in column No. 17 of the P.M. Report and the learned APP submitted that even the photographs of ligature marks were not taken. Doctor has given opinion as follows :-

"From foregoing postmortem examination the most probable cause of death is asphyxia due to hanging. However, homicidal intent can not be ruled out. Final opinion reserved as viscera preserved for clinical analysis".

The aforesaid opinion given by the doctor is surprising in nature. He is not expected to give any opinion with regard to intent. He is expected to give opinion only on the basis of factual aspects. But the description of ligature mark is not given by the doctor. The spot panchanama shows that the incident took place in a room, which was used as bed room and one Sari was hanging at the roof. There are statements of neighbours of the husband indicating that it was probably suicide and that was due to petty quarrel, which had taken place on that night.

3. The husband has been still behind bars. The present applicants are behind bars since December 2016. It is not

certain as to how much time will be required to conclude trial. In view of this circumstance and as the applicant No. 1 is father in law, aged about 65 years and applicant No. 2, aged about 35 years, this Court holds that bail needs to be granted to the applicants.

4. In the result, the application is allowed. The applicants are to be released on bail on their furnishing PR and SB of Rs. 15,000/- (Rupees fifteen thousand) by each of them. They are not to tamper with the prosecution witnesses. They are not to commit similar offence. They are not to enter the village of the complainant till the disposal of the case which may be filed against them.

[T.V. NALAWADE, J.]

SSC/