

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

Criminal Application No. 01446 of 2017

District : Aurangabad

01. Ashruba s/o. Bhikaji Mhaske,
Age : 55 years,
Occupation : Nil,
R/o. Naigaon, Post : Waluj,
Taluka Gangapur,
District Aurangabad.

02. Chhaya w/o. Ashruba Mhaske,
Age : 50 years,
Occupation : Household,
r/o. As above.

03. Ujwala w/o. Nana Chabukswar,
Age : 33 years,
Occupation : Household,
R/o. Indiranagar, Garkheda,
Aurangabad, Dist. Aurangabad.

.. Applicants.

versus

The State of Maharashtra,
Through Police Station, Waluj,
Taluka Gangapur,
District Aurangabad.

.. Non-applicant.

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Mr. Ambar S. Barlota, Advocate, for the applicants.

*Mr. S.D. Ghayal, Addl. Public Prosecutor, for the
non-applicant.*

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CORAM : T.V. NALAWADE, J.

DATE : 06TH APRIL 2017

ORAL ORDER :

By the present application, the applicants - accused are seeking their release on bail in connection with Crime No. 0268/2016, registered with Waluj Police Station, Taluka Gangapur, District Aurangabad, for offences punishable under Sections 306, 498A, 323, 504 read with Section 34 of the Indian Penal Code.

02. Both the sides are heard. Perused the papers of investigation which are made available by the learned Addl. Public Prosecutor for perusal of the Court.

03. Learned Advocate for the applicants submits that this is the first application by the applicants - accused for bail before this Court.

04. Though the crime was registered for offences punishable under Sections 306, 498A, 323, 504 read with Section 34 of the Indian Penal Code, there are two statements of the deceased and this Court has perused the said statements. There are statements of some neighbours also.

05. Submissions made and the papers of investigation show that the deceased Sunita was

given in marriage to one Milind, son of applicant nos.01 and 02 in the 2008 and death took place on 26.02.2017. The incident in question took place on 19.10.2016 in the house of the husband. The statements of the deceased show that on that day, after 05.30 p.m., she had quarrel with her husband as husband was not satisfied with the test of the food cooked by the deceased. She has disclosed that the husband gave a slap to her and left home. She has disclosed the husband, sister-in-law, mother-in-law were quarreling with her on petty counts. She has disclosed that on 20.10.2016, due to quarrel with the husband and mother-in-law, out of angry, she attempted to commit suicide by hanging herself with nylon rope. She had become unconscious and she was shifted to the hospital by inmates. Her second statement was recorded by the Executive Magistrate in which, she gave similar account. She died on 26.02.2017.

06. There is statement of neighbour showing that on one occasion, he had learnt from the deceased that beating was given, but there is no mention about even year of the incident. It can be said that there is disclosure that there was harassment to her from the present applicants and her husband and that was on petty counts. It can

be seen that the deceased committed suicide after 07 years of the marriage.

07. Learned Advocate for the applicants submitted that the applicant no.03 is the married sister of husband of the deceased and she is resident of Aurangabad. The incident took place in Naigaon, the place of residence of husband of the deceased.

08. The applicants are behind the bars since 27.02.2017. Considering the nature of allegations in the FIR and the material collected by the prosecution against the present applicants, it is not desirable to detain the applicants till conclusion of the trial.

09. Hence, the Application is allowed.

The applicants - accused, in the above crime, are directed to be released on bail on their executing P.B. & S.B. of Rs. 15,000/- [Rupees fifteen thousand] each, on the following conditions :-

(i) The applicants shall not contact any of the prosecution witnesses and they shall not tamper with the

prosecution evidence in any manner whatsoever.

(ii) The applicants shall not indulge in commission of similar offences in future.

(iii) The applicants shall give their place of residence and contact number to the concerned Police Station before their release on bail.

(iv) The applicants shall attend the trial, if any, against them, on the dates fixed by the trial Court.

(T.V. Nalawade)
JUDGE

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