

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

Criminal Application No. 01581 of 2017

District : Parbhani

1. Ganesh s/o. Tulshiram Ghandge,
Age : 70 years,
Occupation : Nil,
R/o. Pathargavan,
Taluka Pathri,
District Parbhani.
2. Sow. Kaushalya w/o. Ganesh Ghandge,
Age : 68 years,
Occupation : Nil,
R/o. Pathargavan,
Taluka Pathri,
District Parbhani.
3. Ashok s/o. Ganeshrao Ghandge,
Age : 22 years,
Occupation : Agriculture,
R/o. Pathargavan,
Taluka Pathri,
District Parbhani.

.. Applicants.

versus

The State of Maharashtra,
Through Police Station Officer,
Police Station, Pathri,
Taluka Pathri,
District Parbhani.

.. Non-applicant.

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Mr. Mahesh P. Kale, Advocate, for the applicants.

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

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CORAM : T.V. NALWADE, J.

DATE : 06TH APRIL 2017

ORAL ORDER :

By the present application, the applicants are seeking pre-arrest bail in connection with Crime No. 82/2017 registered with Pathri Police Station, District Parbhani, for offences punishable under Sections 304B, 498A, 504, 506 read with Section 34 of the Indian Penal Code and Section 4 of the Prevention of Dowry Act.

02. After hearing the learned Advocate for the applicants, when this Court expressed that the Court is not inclined to grant the relief in favour of applicant no.03 - Ashok s/o. Ganeshrao Ghandge, learned Advocate for the applicants submits, on instructions, that he wants to withdraw the application to the extent of applicant no.03.

03. Hence, the Application to the extent of applicant no.03 - Ashok s/o. Ganeshrao Ghandge is disposed of as withdrawn.

04. Learned Addl. Public Prosecutor opposed the application of applicant nos.01 and 02.

05. The material collected and the FIR show that the deceased Radha was given in marriage to applicant no.03, Ashok, in the month of May 2016. Present

applicants were living together. The incident in question took place on 09.03.2017 in the morning time. There is a well in the field of the present applicants and the deceased was found in the well. When the incident took place on 09.03.2017, the FIR was given on 10.03.2017 by mother of the deceased. She has made allegations that there was harassment and ill-treatment to the deceased from the husband and parents of the husband. She has made allegations that they were saying that the deceased was not able to cook the food properly and the deceased used to disclose that the husband and mother-in-law were asking her to bring Rs. 3,00,000/- as they wanted to do some work of well. It is contended that the amount of Rs. 2,00,000/- was already given and it was informed that her parents were not in a position to give more amount. Allegations are made that in the month of August, the deceased along with her parents-in-law came to her parental home. At that time also, parents-in-law of the deceased made demand of money to the parents of the deceased. However, parents of the deceased gave understanding to the deceased and sent her to her matrimonial home. Even after return, she was disclosing that there was harassment from her husband and his parents. She used to disclose that they were virtually starving her. She had disclosed that she had intention to commit suicide if the demand made by her husband and parents of the husband is not met with.

06. This Court has carefully gone through the

Spot Panchanama. There was no parapet wall to the well and there was facility of motor pump installed. Accidental Death report was given by the uncle of the husband of the deceased and it was informed that the deceased had gone to the well to fetch water and accidentally she fell in the well due to imbalance. In the post mortem report, no injury was found on the person of the deceased.

07. In view of the nature of allegations and material collected by the prosecution as against applicant nos.01 and 02, the relief of pre-arrest bail can be granted in their favour.

08. Hence, the following order :-

(a) The Application is partly allowed.

(b) As stated above, the Application to the extent of applicant no.03 - Ashok s/o. Ganeshrao Ghandge is disposed of as withdrawn.

(c) In the event of arrest of applicant nos.01 - Ganesh s/o. Tulshiram Ghandge and applicant no.02 - Kaushalya w/o. Ganesh Ghandge, in the above crime, they be released on bail on their executing P.B. & S.B. of Rs. 15,000/- [Rupees fifteen thousand] each, on the following conditions :-

(i) Applicant nos.01 and 02 shall attend the concerned Police Station on 14th and

15th April 2017, between 09.00 a.m. and 12.00 noon and they shall co-operate the Investigation Officer in investigation of the crime in question.

(ii) Applicant nos.01 and 02 shall not contact any of the prosecution witnesses and they shall not tamper with the prosecution evidence in any manner whatsoever.

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

09. The observations made in this order are prima facie in nature which shall have no bearing on trial of the case, if any, against the applicants.

(T.V. Nalawade)
JUDGE

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