

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

10 CRIMINAL APPLICATION NO. 1593 OF 2017

AHILYA W/O. BHASKAR DHAGE
VERSUS
THE STATE OF MAHARASHTRA

Shri. K.R. Doke & Smt. S.K. Doke, Advocates, for
applicant.

Shri. A.A. Jagatkar, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 18 April 2017

ORDER:

1) The application is filed for bail. Both the sides are heard. A statement was made that this is the first application filed for bail in this Court.

2) Crime is registered on the basis of report given by mother of the deceased at CR No.40/2017 in Bhoom Police Station, District Osmanabad for offences punishable under sections 302, 201 read with 34 of the Indian Penal Code. The deceased was given in marriage to the son of

the present applicant on 14-2-2016. The deceased was pregnant and she was carrying of 7 to 8 months at the relevant time. As the deceased was not appearing happy inquiry was made with her by her mother and the deceased disclosed that the husband and his mother were asking her to terminate her pregnancy. The deceased was brought to the parents' house for delivery. But on 15-2-2017 she had left for the place of the husband as there was voting in the village. On 16-2-2017 information was received that the deceased had sustained burn injuries. When the complainant and other relatives went to the village they found that the deceased was already dead. Then they gave report to police on 19-2-2017 when the incident took place on 16-2-2017.

3) Learned Additional Public Prosecutor submitted that the post mortem report indicates that it is a case of homicidal and not suicide. This Court has carefully gone through the post mortem report. This Court is avoiding to make observations with regard to the facts mentioned in various columns of the post mortem report. The deceased had sustained 95% burn injuries though the Medical

Officer has observed that there was no sooth particle found in trachea lumen. Further there was one fracture injury on one hand. Surprisingly there is no description of the injuries whether they were ante-mortem or post mortem. The opinion is reserved.

4) The statements of the neighbours and the spot panchanama show that when they noticed that smoke was coming out they went to the room and they found that the door of the room was closed from inside by putting latches from inside. Attempts were made to enter the room from the roof portion but they could not enter the room from roof portion and then they were required to open the door forcibly and then they tried to extinguish the fire. But till then the deceased was dead.

5) The applicant is behind the bars since more than one and half months. In view of nature of material which is available on record this Court holds that it is not desirable to keep the applicant, who is a lady, behind the bars till disposal of the case which may be filed against her.

6) In the result, the application is allowed. The applicant is to be released on bail in Crime No.40/2017 registered in Bhoom Police Station, District Osmanabad for offences punishable under sections 302, 201, 34 Indian Penal Code on her furnishing PB and SB of Rs.15000/- (Rupees fifteen thousand). She is not to tamper with prosecution witnesses. She is not to commit similar offences. She is not to enter the village of the complainant till disposal of the case.

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

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