

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

926 CRIMINAL APPLICATION NO. 1778 OF 2017

YESHODABAI W/O. TUKARAM KHONDLE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. P.B. Rakunde h/f. Mr. S.B. Bhapkar
APP for Respondent/State : Mr. A.A. Jagatkar
...

CORAM : T.V. NALAWADE, J.
DATED : April 26, 2017.

ORDER :

1. The application is filed for bail. Both the sides are heard. A statement was made by the learned counsel for the applicant that this is the first bail application filed in this Court by the applicant. Papers of investigation were made available for perusal of this Court.

2. Allegations are made against the present applicant, who is mother in law of deceased by first informant Parvatabai Kharate that she was harassing the deceased as the demand of the present applicant and her son of Rs. two lakh was not met with by the parents of deceased. Deceased was given in marriage to the son of applicant viz. Anil prior to six years from incident. As family of parents of the deceased has received some compensation amount in respect of land acquisition, the

applicant and her son were demanding Rs. two lakh for repairs of their house. The deceased had made disclosure about the illtreatment to the complainant and even during talk with the complainant, the present applicant and her son had made the demand directly.

3. Allegations are made that on 16.3.2017 the deceased contacted the complainant on mobile phone and she informed that there was harassmt to her and threats were being given to her to finish her. This call was received at about 8.00 a.m. At about 12.30 p.m. another son of present applicant namely Vikas informed on phone that deceased had consumed poison and she was being taken to Muktainagar for treatment. The first informant then rushed to Muktainagar and there the doctor had declared that daughter of complainant was dead. The F.I.R. was given on the same day and the crime at C.R. No. 42/17 is registered in Muktainagar Police Station, District Jalgaon for the offences punishable under sections 304-B, 306, 498-A, 34 of I.P.C.

4. In view of the nature of allegations, this Court asked the learned APP as to whether C.D.R. record of mobile hand set of complainant and mobile of son of applicant is collected. The

learned APP submitted that the application is made to the concern company, but the record is not there in the papers of investigation. This Court has gone through the P.M. Report. Final report regarding cause of death is not given and it appears that no surface wound was found on the dead body. The applicant is resident of other place than the place of residence of complainant. She is behind bars since 17.3.2017. She is a lady aged about 45 years. In view of these circumstances, this Court holds that it is not desirable to keep the applicant behind bars till the disposal of the case. It is not certain as to how much time is required for disposal of the case.

5. In the result, the application is allowed. The applicant is to be released on bail on her furnishing PR and SB of Rs.15,000/- (Rupees fifteen thousand). She is not to tamper with the prosecution witnesses. She is not to commit similar offence. She is not to enter the village of complainant i.e. Alampur, Tahsil Nandura, District Buldhana till the disposal of the case.

[T.V. NALAWADE, J.]

ssc/