

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

CRIMINAL APPLICATION NO. 1909 OF 2017

Ankush s/o. Dhondiram Rathod .. Applicant
Age. 50 years, Occ. Agri.,
R/o. Kathoda Tanda, Tq. Gevrai,
Dist. Beed.

Versus

The State of Maharashtra .. Respondent

Mr.N.B. Narwade, Advocate for the applicant.
Mr.S.M. Ganachari, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE,J.
DATED : 26.04.2017

P.C. :-

1. This application is filed for bail. Both the sides are heard. The submission was made by the learned Counsel for the applicant that this is the first application filed for bail in this Court.

2. The crime is registered on the basis of report given by Ranjit Chavan, who is cousin on the maternal side of the deceased. The marriage of deceased Manisha was settled with Vilas Rathod, son of present applicant. There was love affair and due to that both the families had come together and the marriage was settled. The allegation is made that at the time of settlement,

parents of the deceased had agreed to give Rs.1.5 lakh as dowry and they had also agreed to spend in the marriage. The allegation is made that subsequently, the parents of Vilas started demanding Rs.5 lakh as dowry and said that unless an amount of Rs.5 lakh was paid, they would not allow marriage of Vilas to be performed with said girl. The allegations are made that due to love affair of Manisha with Vilas, the applicant was feeling it difficult to settle marriage of Vilas with other girl. The incident took place on 20.01.2017. The allegation is made that when the complainant was present with his father in their own field, they noticed Manisha was plucking cotton in the adjacent field Survey No.40. It is his contention that all of a sudden at about 3 p.m. they heard shouts of Manisha and so they rushed towards that side. It is contended that they noticed that after seeing them, persons like present applicant Vilas, Kesarbai (wife of present applicant) and Sangita (daughter of present applicant) started running away. It is contention of the complainant that he could identify the persons, whose names were given by the complainant. He has contended that he then made enquiry with Manisha and she disclosed that two lady members of the family of present applicant had held her hands and then present applicant and Vilas had poured poison into her mouth forcibly. The complainant contended that bottle of the

poison was not there. As per the information supplied by Manisha, the bottle was taken away by applicant with him. When she was admitted in the Government hospital from Beed, she was unconscious and she died on 21.01.2017 at 01.30 a.m. The report was given on same day and the crime is registered for the offence punishable under section 302 read with section 34 of the Indian Penal Code. The charge-sheet is also filed.

3. The learned A.P.P. submitted that the C.A. report is not yet received. In view of the aforesaid material, it can be said that Manisha died due to poisoning. The only question is whether the applicant administered poison or the deceased consumed poison of her own due to aforesaid circumstance. The post-mortem report shows that one abrasion was found on left hand of her wrist portion, but sufficient scab was developed on this injury. This circumstance will always be considered as it is important in cases like present one as the time given in the F.I.R of the incident will have to be considered. When the case will be put to trial, there will be evidence of aforesaid first informant and his father to the effect that deceased had disclosed to them that poison was forcibly administered.

4. In view of nature of aforesaid material and

considering other possibility also as there was no possibility of marriage of Manisha with Vilas, this Court holds that it is not desirable to keep the applicant behind the bar till disposal of the case. The applicant has been behind the bar since 21.01.2017.

i. In the result, the application is allowed.

ii. The applicant - Ankush s/o. Dhondiram Rathod be released on bail in connection with Crime No.9 of 2017, registered with Talwada Police Station, Tq. Georai, Dist. Beed, for the offences punishable under sections 302 read with section 34 of the Indian Penal Code, on his furnishing PR & SB of Rs.15,000/- (Rupees Fifteen Thousand).

iii. The applicant is not to tamper with the prosecution witnesses and he is not to commit similar offence.

[T.V. NALAWADE, J.]