

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

CRIMINAL APPLICATION NO. 3242 OF 2017

Shankar @ Dadasaheb s/o Meshram
Shelke, Age 40 years, Occ. ... **Applicant**
Agriculture, R/o. Dorli, Tq.
Hadgaon, Dist. Nanded.

VERSUS

The State of Maharashtra, ... **Respondent**
Through Hadgaon Police Station,
Tq. Hadgaon, District Nanded.

Mr. S. S. Gangakhedkar, Advocate for the applicants
Mr. S.B. Joshi, APP for the respondent/State.

CORAM : K. L. WADANE, J.

DATE : 31st JULY, 2017

ORDER:

1. Heard Mr. Gangakhedkar, learned counsel appearing for the applicant and Mr. Joshi, learned APP appearing for the respondent-State.

2. The informant, father of the deceased namely Anandrao Kamble lodged a report to the police station alleging that, his daughter Maya married with the applicant before 14 years. The applicant

performed second marriage prior to 07 years with one Anjali. The deceased Maya has not disclosed the second marriage of the applicant due to fear and threat of the present applicant. It is further alleged that after the second marriage of the applicant deceased Maya remained at home alone, at that time elder brother of the applicant namely Narayan Shelke started frequently visiting the house of Maya with bad intention. Deceased Maya informed this fact to her husband. One day prior to the incident Narayan Shelke came to the house of deceased Maya and said he likes her and caught hold her hand and after resistance he gave threat to life.

3. On 17.02.2017 one Anil Kokne son-in-law of informant residing at Chili informed on phone to the informant that, Maya is burnt and she has been shifted to hospital at Hadgaon and thereafter at Nanded. On the basis of the complaint filed by the informant offence came to be registered at Crime No. 45/2017 with police station Hadgaon.

4. Mr. Gangakhedkar learned counsel points out

the contents of the dying declaration as well as statement of the daughter of the applicant and by referring the contents of these documents has argued that there are no allegations against the present applicant about the illtreatment given by him to deceased Maya. On the contrary, the cause of commission of suicide appears to be altogether different than the allegations made by the informant.

5. I have gone through the two dying declarations of deceased Maya from which it appears that, another accused Narayan Shelke used to visit her house and was keeping ill-eye on her. One day prior to the incident i.e. on 16.02.2017 when the deceased Maya was alone in her house, at that time accused Narayan Shelke came there and caught hold her from behind. On resistance he gave life threats to her. Thereafter his wife came to house of deceased Maya and gave threats.

6. The two dying declarations of the deceased Maya are consistent as to the reason by which deceased Maya decided to end her life. From the

statement of daughter of the applicant namely Ankita it appears that, the relation between the applicant and deceased Maya were smooth. Even her relation with second wife of the applicant were also smooth. In such circumstances and the fact that in the dying declaration no allegations are made against the present applicant, he can be released on bail. Hence, following order.

O R D E R

The applicant shall be released on bail in connection with Crime No. 45/2017, registered with Hadgaon Police Station, District Nanded, on his executing P.R. Bond of Rs. 10,000/- [Rs. ten thousand only] with one solvent surety in the like amount.

6. Criminal application disposed of.

(K. L. WADANE, J.)

mkd/-