

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1266 OF 2017

1. Baban Balu Zinjade .Applicants
2. Balu Nivrutti Zinjade
3. Latabai Balu Zinjade

Vs.

The State of Maharashtra .Respondent

Mr.H.M.Inamdar, Advocate, for the Applicants
Mr.S.R.Agarkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 04.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek their enlargement on bail in connection with C.R.No.15 of 2017 registered with the Karmala Police Station, Solapur(Rural), for the alleged offences punishable under Sections 498A, 306, 504, 506 r/w.34 of the Indian Penal Code.

3. The Applicant No.1 is the husband; the

Applicant No.2 is the father-in-law and the Applicant No.3 is the mother-in-law of deceased -Usha. According to the Complainant – Bapu Dilip Misal (brother of Usha), Usha was treated well for the first few months and thereafter, she was ill-treated by the Applicants. He has alleged that Usha was being ill-treated, as the Applicant No.1 was forced to marry Usha and as the said marriage was against his wish. He has also alleged, that although the Applicant No.1 and Usha were married on 24.11.2008, within a few months of marriage, the Applicants were demanding Rs.1,50,000/-, from Usha, for purchasing a tractor. He has stated that because of the ill-treatment, Usha committed suicide, by hanging herself in her matrimonial home.

4. Learned counsel for the Applicants submits that no offence as alleged is disclosed qua any of the Applicants. He submits that earlier i.e. in April, 2012, Usha had lodged a

complaint as against the Applicants, alleging an offence punishable under Section 498A of the IPC. He submits that later, the said complaint was withdrawn by Usha on 16.03.2015. He submits that thereafter, there are no allegations that the Applicants ill-treated Usha. He submits that the presumption will not apply, as the marriage had taken place in the year 2008.

5. Perused the papers. The Applicant No.1 got married to Usha on 24.11.2008. It appears that on 09.04.2012, a complaint was lodged by Usha as against the Applicants, alleging offences punishable under Sections 498A, 504 etc. of the IPC. The said complaint was withdrawn by Usha on 16.03.2015, after which Usha started residing with the Applicants in her matrimonial home. The incident has taken place on 07.01.2017, when Usha was found hanging in a matrimonial home. The allegations made by the Complainant – Bapu Misal (brother of Usha) are

essentially, that there was a demand of Rs.1,50,000/- from Usha, for purchasing a tractor and (ii) that she had given birth to a girl child. It is alleged that pursuant thereto, Usha was ill-treated and harassed. The Applicants were arrested in January/March, 2017 and are in custody since then. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the Application is allowed and the Applicants are enlarged on bail on the following terms & conditions:-

O R D E R

- (i) The Applicants be enlarged on bail, on executing PR Bond in the sum of **Rs.15,000/- each** with one or two sureties in the like amount;
- (ii) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iii) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The Applicants to cooperate with the conduct of the trial;

(v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicants' bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the

observations made in this order.

Parties to act on the authenticated
copy of this order.

(REVATI MOHITE DERE, J.)