

nsc.

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

***CRIMINAL BAIL APPLICATION NO.1531 OF 2017***

|                          |               |
|--------------------------|---------------|
| 1. Sandip Laxman Ombase  |               |
| 2. Laxman Bapu Ombase    |               |
| 3. Ladubai Laxman Ombase | ...Applicants |
| Versus                   |               |
| The State of Maharashtra | ...Respondent |

Mr.D.D.Rananaware, for the Applicants.

Mr.S.H.Yadav, A.P.P for the Respondent-State.

API – Mr.Patil, Dahiwadi Police Station, Satara.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 27<sup>th</sup> JULY, 2017***

**P.C. :**

1. Heard learned counsel for the parties.
2. By this application, the Applicants seek their enlargement on bail in connection with C.R.No.68 of 2017 registered with the Dahiwadi Police Station, Satara, for the alleged offences punishable under Sections 498A, 304B, 306, 354, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicants submitted that applicant no.1 is the brother-in-law and applicant nos.2 and 3 are the in-laws of deceased – Ashwini. He submitted that the applicants have been falsely implicated in the aforesaid case. He submitted that the allegations against the applicants are general in nature. He further submitted that there are no allegations of dowry demand made by the deceased – Ashwini, in her dying declaration dated 2<sup>nd</sup> March, 2017. He submitted that even there are no allegations of outraging the modesty of the deceased by the applicant no.1, in the said dying declaration. He submitted that there was some quarrel that took place on 3<sup>rd</sup> March, 2017 at about 11.00 a.m., between the deceased and the applicant no.3, pursuant to which, Shahaji (deceased's husband) assaulted her. She has stated that thereafter, her husband left the house and after that she was alone in the house with the applicant no.3 and her co-sister. She has stated that being fed up of the continuous harassment and the assault on her, by her husband, she went and purchased a tube used for killing rat and consumed it. She has stated that when her husband came back home, she disclosed to him that she had consumed rat poison, pursuant to which, her husband admitted her to the hospital.

4. Learned APP opposed the application.

5. Perused the papers. It appears that the deceased was married to Shahaji on 13<sup>th</sup> July, 2016 and the incident took place on 3<sup>rd</sup> March, 2017. The complainant-Rajeshree Suresh Sanap, is the mother of the deceased – Ashwini. She has stated that within few months of her marriage, there was a demand for dowry of Rs.50,000/- and that the applicants would assault her and abuse her, on account of non-fulfillment of the same. She has further alleged that applicant no.1 had outraged the modesty of her daughter, pursuant to which she had disclosed the same to her in-laws as well as to them. She has further stated that as Ashwini had disclosed about the applicant no.1's conduct to her parents, all the applicants were abusing her. A perusal of the dying declaration of the deceased shows, that deceased – Ashwini, has not made any allegations of demand of dowry by the applicants nor has she disclosed that her modesty was outraged by the applicant no.1. The incident took place on 3<sup>rd</sup> March, 2017, pursuant to a quarrel which took place, between her and the applicant no.3. Pursuant to the quarrel, her husband – Shahaji assaulted her. She has stated in her dying declaration, that she was fed up with the harassment and

as her husband had assaulted her, she went and purchased a tube used for rat poison and consumed the same. She has stated that the said fact was disclosed by her, to her husband, pursuant to which, her husband admitted her to the hospital. The deceased expired on 4<sup>th</sup> March, 2017. Investigation is complete and charge-sheet is filed.

6. In the facts, continued custody of the applicants is not required. Considering the aforesaid, the application is allowed and the applicants are enlarged on bail on the following terms and conditions:-

**ORDER**

- i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount;
- ii) The Applicants shall not contact the complainant, witnesses or any person concerned with the case;
- iii) The Applicants shall co-operate in the conduct of the trial;

7. The Application is allowed and disposed of in above terms.

8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**