

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION No. 2605 OF 2016

Uddhav Baburao Ugale ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Rameshwar N. Gite, Advocate for the Applicant.
Mr. Vinod Chate, APP for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **4th January, 2017.**

P.C.:

1. This Application is moved for bail by the applicant/accused, who happens to be father-in-law of deceased Sonali. Sonali died on or before 11th August, 2016.

2. Sonali got married with Bhagwan Uddhav Ugale. In the wedding, the applicant/accused has demanded dowry of Rs.1,00,000/- which was paid by the parents of Sonali. After one year of their marriage, Sonali started complaining about her husband, father-in-law, mother-in-law and sister-in-law. She informed her parents and relatives that all these persons used to harass her, keep her hungry and also beat her. The in-laws of Sonali held her responsible for not having child. The parents of Sonali gave her medical treatment and she became mother of one daughter in the year 2014. The parents and relatives of Sonali were not allowed to talk to her on phone. On 11th August, 2016 applicant/accused, i.e., father-in-law

informed the uncle of Sonali that she had left the house and is missing. The family of Sonali came to her in-laws house and while searching her, they found a pair of slippers lying outside the well. On insistence of her parents, the fire brigade was called and they found dead body of Sonali in the well. Different types of wounds were found on her body and thereafter the complaint was made by her uncle and offence was registered at C.R. No. 85 of 2016 with Vani Police Station, Nashik under sections 302, 304B, 498A r/w. 34 of the Indian Penal Code on 12th August, 2016. The applicant/accused was taken in custody on 12th August, 2016. Hence, this Bail Application.

3. The learned counsel for the applicant/accused has submitted that there is no direct statement or evidence against the applicant-accused. General allegations are made against the applicant-accused. The applicant-accused is father-in-law of deceased and he is 55 years old. The mother-in-law is released on bail. The learned counsel further submitted that the deceased was psychic and taking treatment for psychological ailment. The applicant/accused has come from good family and well-off person. The charge of demand of dowry was false. The applicant/accused is apprehended and implicated in this case only on the basis of suspicion. He further submitted that viscera is sent to Forensic Laboratory and the report has not come. In the post-mortem report, the cause of death is due to drowning.

4. Learned APP opposed this Bail Application and submitted that there is concrete evidence against the applicant/accused. He relied on the postmortem report and pointed out that different injuries were found on the dead body of Sonali. He also relied on the complaint and the statements of the relatives of deceased Sonali wherein the incidents of harassment and torture are mentioned. He further submitted that the conduct of the applicant/accused immediately after the death of Sonali is found incriminating. In the statement of uncle of Sonali, it is mentioned that the applicant-accused did not cooperate in search of Sonali in the well and gave evasive answers.

5. Perused the complaint, statements of witnesses and the postmortem report. The police, as per the inquest, gave supposed cause of death was due to drowning, however, the postmortem report reveals the cause of death as follows:

“Injuries over head, neck, face and back are caused by blunt trauma. Injuries over both lower limbs and perineum are caused by dry heat.”

In view of this, I am of the view that it is not a case for bail. Hence, Bail Application is rejected.

(MRIDULA BHATKAR, J.)