

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.146 OF 2017

Sau. Latabai Janrao Dhadse and anr

..VS..

The State of Maharashtra, through Police Station Officer, Police Station Rahimpur
Chincholi, Tahsil Anjangaon, District Amravati

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri M.P. Kariya, Counsel for the applicants.
Shri N.B. Jawade, Addl.P.P. for the State.

CORAM : P.N. DESHMUKH, J.
DATED : MARCH 22, 2017.

Mother-in-law and sister-in-law respectively
of deceased Kiran having involved in Crime No.15 of
2017 registered for the offences punishable under
Sections 304(B) and 498-A read with Section 34 of the
Indian Penal Code have filed this application for bail.

Heard learned counsel for the applicants
and learned Additional Public Prosecutor.

Perused case diary made available by
learned Additional Public Prosecutor.

Learned counsel for the applicants has
submitted that applicants' involvement though is in the
report lodged belatedly on 22.1.2017 in respect of
incident dated 17.1.2017, allegations in the report are
vague and do not establish contravention of any of the
offences levelled against applicants and has contended

that in view of nature of evidence as found in the report, applicants be released on bail by imposing suitable conditions.

Learned Additional Public Prosecutor opposed the application as per its reply on record.

In view of submissions advanced as aforesaid, report lodged by father of deceased on 22.1.2017 apparently established that same is lodged after death of Kiran on 21.1.2017 who on 17.1.2017 is said to have consumed some poisonous substance, due to which she died while under treatment.

Perusal of report reveals that deceased was married to Manoj, son of applicant No.1, in the year 2015 when it is stated that dowry of Rs.40,000/- was paid to him. As per further contents of report, after maintaining her happily for few days, she was subjected to ill-treatment on trifle issues which were informed by her on phone as well as during her visit to her parental home. It is also contended that deceased on one such visit has informed that her husband Manoj is indulged in extra marital relations with some girl who used to accompany him at various places like Nasik and Bhusawal and on this count there used to be frequent quarrels between them.

It is further contended that applicants along with other relatives of her husband were providing ill-treatment to deceased saying that Manoj could have

married to some other good girl and could have got much dowry to the extent of Rs.5.00 lacs and on this count extended threats to deceased of which report was earlier lodged with Asegaon Police Station which matter was however amicably settled and deceased went to further co-habit with her husband. It is further contended that before lodging report at Asegaon Police Station, as deceased was suffering from kidney stone, she was left by Manoj to complainants house who was required to spend Rs.50,000/- for providing medical treatment and lastly, it is contended that in the background of above ill-treatment, she attempted to commit suicide on 17.1.2017 by hanging, however she could not succeed thus on the following day, consumed some poisonous substance due to which she died on 21.1.2017.

Plain reading of contents of report reveals that there are general and vague allegations made in respect of alleged ill-treatment and dowry demand by applicants or other relatives of her husband. No investigation is carried out about amount of Rs.50,000/- alleged to have been spent by complainant to provide medical treatment. Similarly, though it is alleged that husband Manoj, having extra marital relations was roaming with some other girl to various places and for that reason there used to be frequent quarrels between him and the deceased, admittedly there no report about

such fact is told any time before. It is material to note that though report is alleged to have been lodged with Asegaon Police Station initially about alleged ill-treatment to deceased by applicants and of her husband's alleged extra marital relations and about applicants saying that Manoj could have married to better girl and could have got dowry to the extent of Rs.5.00 lacs, there is no whisper of all such facts in that report lodged earlier.

In view of facts as aforesaid, there is nothing to establish involvement of applicants in the present crime. In the circumstances, though investigation is in progress, the following order is passed.

Applicants shall be released on bail on their executing a P.R. Bond in the sum of Rs.15,000/- each with one surety each in the like amount.

While on bail, applicants shall attend Police Station Rahimpur Chincholi, Tahsil Anjangaon, District Amravati as and when called between 9:00 a.m. to 11:00 a.m., till filing of the charges-sheet.

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

**Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)**

Uploaded on :- 24/3/2017