

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

BAIL APPLICATION NO.1290 OF 2018

Kashinath Kamalu Thore & Anr. Applicants

Vs.

The State of Maharashtra Respondent

Mr. Abhishek C. Deshpande for the Applicants.

Mr. S.R. Agarkar, APP for the State.

Mr. B.V. Padmane, PSI Nandgaon police station, Nashik Gramin

Coram : Smt. Sadhana S. Jadhav, J.

Date : 13th July, 2018

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 This is an application under Section 439 Code of Criminal Procedure. The applicants herein are arrested on 3rd May 2018 in Crime No.69 of 2018, registered at Nandgaon Police Station, for the offences punishable under Sections 302, 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

3 At the threshold, learned counsel for the applicants submits that he would not press for the application of the applicant no. 2 till filing of the charge-sheet. The applicant no.1 is the father-in-law of deceased Jyoti.

4 It is the case of the prosecution that on 3rd May 2018, Sudhakar Narayan Mugale, father of Jyoti lodged a report alleging therein that his daughter was married with son of applicant no.1 in the year 2006. When she was being harassed in her matrimonial home by her husband, in-laws as they were demanding an amount of Rs.2,50,000/- for laying pipeline. That her husband Sunil was suspecting the character of his wife and that he was supported by his brother and his parents. On 27th April 2018 also, Sunil had demanded Rs.1,00,000/- for laying the pipeline. That on 2nd May 2018, Jyoti had returned from her maternal house, where she had gone for attending the marriage. Thereafter on the same day, the complainant had received a phone call from applicant no.2 informing him that Jyoti had fallen from the bed and had become serious and therefore she was taken to civil hospital at Nandgaon. When the

complainant and others were at the civil hospital, they found blood was oozing from her nose and she had died in suspicious circumstances.

5 The post-mortem notes also indicate that cause of death is “congested viscera; frothing at lungs congested mucosa of stomach and small intestines and presence of suspected intestinal content with rotten smell. The cause of death would be unknown chemical poison”.

6 Taking into consideration, the age of applicant no.1 and the allegations levelled against him and more particularly the fact that his wife i.e. mother-in-law of Jyoti had been granted pre-arrest bail, the applicant no.1 deserves to be enlarged on bail.

7 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the order :

ORDER

- i) The application is partly allowed.
- li) The applicant no.1 be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.
- ii) The application of applicant no.2 stands rejected.

(*Smt. Sadhana S. Jadhav, J*)