

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

BAIL APPLICATION NO.2978 OF 2017

1 Shobha Babasaheb Patekar
2 Tanmay Babasaheb Patil
3 Sunil Chandrarhar Choughule Applicants

Vs.

The State of Maharashtra Respondent

Mr. Jaydeep D. Mane for the Applicant.
Mr. S.R. Agarkar, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 13th June, 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 applicant nos. 1 and 2 herein are arrested on 15th June, 2017 and the applicant no. 3 is arrested on 18th June, 2017 in Crime No.120 of 2017, registered at Madha Police Station, Dist.

Solapur, for the offences punishable under Sections 302, 304(B), 201, 498(A) read with 34 of the Indian Penal Code. The investigation is completed and charge-sheet is filed.

3 It is the case of the prosecution that Poonam had studied upto 12th standard and was in love with Shekhar Patekar, who happens to be the son of applicant no. 1. They were all resident of same village i.e. Anjangaon. The young couple eloped to Alandi and had got married on 25th March 2017 at Pophale Mangal Karyalaya. That on 15th June 2017, Shekhar i.e. son of applicant no.1 and the brother of applicant no.2 gave an incidental report to the police station alleging therein that he got married to Poonam on 28th March, 2017 and he was residing at Hadapsar alongwith his wife. On 31st May, 2017, he had returned to village Anjangaon. That on 14th June, 2017, he alongwith his mother and brother had been to Ahmednagar. They had returned home at 5.30 pm.. His wife was not at home. They searched for her and in the course of searching they were informed by neighbour- Babu Kate that he has seen ladies footwear near their well. They had seen dead-body of Poonam found

in the well and lodged the report.

4 On the basis of the said report, A.D. No. 17 of 2017 was registered. The investigation was set in motion. The body was sent for autopsy. The post-mortem notes would indicate that the deceased had sustained lacerated wound on her parietal region which was bone deep, a lacerated wound in zigzag manner over middle of forehead which was bone deep, multiple abrasions over the body more particularly the neck and lacerated wound on the right shoulder. All the injuries were ante mortem in nature. The cause of death was head injury. There is no doubt that it was the case of homicidal death and hence the charge-sheet was filed under Section 304(A) of the Indian Penal Code. It appears that thereafter the first information report was lodged by Gautam Keru Gadekar, who happens to be the father of deceased Poonam.

5 Learned counsel for the applicant vehemently submits that the applicant no. 2 happens to be the brother-in-law of the

deceased, whereas the applicant no. 1 is the mother-in-law of the deceased. There are no specific allegations against them, hence they deserve to be enlarged on bail. Learned counsel further submits that applicant no. 3 happens to be the maternal uncle of the husband of the deceased and he was in no way concerned with the family of the deceased. As against this, the learned APP submits that in the scene of offence panchanama the police had attached the spectacles which belonged to applicant no. 3. The papers of investigation would show that the deceased was harassed by the members of matrimonial family on account of demand of Rs.1,50,000/- towards dowry, gold and other valuables. Since it was a love marriage, she had not brought any valuables from her maternal family.

6 Taking into consideration the papers of investigation, the scene of offence panchanama and the submissions advanced across the bar, the applicant nos. 1 and 2 have made out a case for grant of bail, whereas the application filed by the applicant no.3 stands rejected.

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

- 1 The application is partly allowed.
- 2 The applicant nos.1 and 2 be enlarged on bail on furnishing P.R. bonds in the sum of Rs.25,000/- each with one or more solvent sureties in the like amount.
- 3 The application of applicant no.3 stands rejected.

(Smt. Sadhana S. Jadhav, J)