

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

Criminal Application (BA) No. 479 of 2019
Gangasagar Nagre
Vs.
State of Mah. Through P.S. Lonar Dist. Buldhana

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

Court's or Judge's orders

Mr. R.M. Daga, Advocate for applicant.
Mr. V.P. Maldhure, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JUNE 20, 2019

The applicant herein has been accused along with other co-accused persons of having committed offences under Sections 498-A and 304-B R/w Section 34 of the Indian Penal Code, as per FIR dated 10/05/2019 registered against them. It is the case of the prosecution that applicant No.1 being mother-in-law of the victim and applicant No.2 being sister-in-law of the victim along with other accused persons have treated the victim with cruelty and harassed her and that they had caused the death of the victim by harassing her on the demand of dowry. The victim went missing on 08/5/2019 about which missing report was lodged on 09/5/2019 by the husband of the victim, also an accused, and on the very same day dead body of the victim was found from a well in the vicinity.

2. The aforesaid FIR was registered on 10/5/2019 on an oral report lodged by the uncle of the deceased wherein the applicants along with husband and brother-in-law of the deceased, as also the husband of applicant No.2 herein were shown as accused persons. The applicants were arrested on 10/5/2019 and they have been behind the bars since then. The learned counsel for the applicant submits that a perusal of FIR would show that general and vague allegations have been made against the applicants herein. It is further contended that the applicant No.2 is sister-in-law of the deceased and that she lives in a separate house in a nearby village, thereby indicating that she could not be said to be directly involved in the present case. It is submitted that an attempt has been made to involve all the relatives of the husband of the deceased and that, therefore, the applicants deserve to be enlarged on bail. The learned counsel has also relied on Section 437 of the Code of Criminal Procedure on the ground that the applicants herein are women.

3. The learned APP on the other hand has opposed the grant of bail, stating that investigation is still underway and that the material on record at present also indicates that the applicants had harassed the deceased for the exercise of demand of dowry.

4. Heard learned counsel for the parties and

perused the material placed on record. A perusal of FIR in the present case shows that although the applicants herein are named as accused, general allegations have been made against them with regard to the alleged dowry demand, due to which the victim allegedly suffered harassment and ultimately died. The fact that the applicant No.2 lives in a different village is not denied by the non-applicant State and it appears that the complainant i.e. the uncle of the deceased has named all the near relatives of the husband of the deceased as being responsible for the harassment allegedly meted out to the deceased.

5. The applicants are women and, therefore, Section 437 of the Code of Criminal Procedure is relevant in the present case and there is nothing to show that the applicants herein would abscond even if they are enlarged on bail.

6. In view of the above, the application is allowed and the applicants are directed to be released on bail on furnishing PR bond of Rs.25,000/- each and surety of like amount. The applicants shall co-operate with the investigation and they shall make themselves available before the Investigating Officer as and when required. The applicants shall not tamper the evidence or influence the witnesses

JUDGE