

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

Criminal Application (BA) No. 593 of 2019

Dayaram Ravekar and others

Vs.

State of Maharashtra Through P.S. Dhamangaon (Badhe) Dist. Buldana

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

Court's or Judge's orders

Mr. M.V. Rai, Advocate for applicant
Mr. H.R. Dhumale, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JULY 30, 2019

The applicants have approached this Court seeking bail as they stood arrested on 11/06/2019, in connection with FIR on the same day, against them and two other accused persons for the offences under sections 304-B and 498(A) R/w 34 of the Indian Penal Code.

2. The applicant No.1 is the father-in-law of the victim while the applicants No. 2 and 3 are the brothers-in-law of the victim. The incident is said to have occurred on 10/06/2019. The victim was found dead by her father (complainant) in the house of the applicants with some injuries on her body and froth was coming out from her mouth.

3. The complainant has submitted in the oral report leading to registration of FIR that the accused persons, including the applicants herein, used to harass the victim for the reason of demand of dowry and that such incidents of harassment were reported by the victim about five days prior to the actual incident when the victim had visited the house of the complainant. It is stated in the complaint that on the date of the incident, the husband of the victim i.e. the accused No.1 had informed the complainant that the victim was feeling dizzy and that she had suffered injury by falling due to such dizziness. On the basis of such oral report, FIR stood registered against the applicants and two other persons i.e. the husband of the victim and her mother-in-law.

4. The learned counsel for the applicants submitted that no specific role was attributed to the applicants herein regarding the incident that occurred on 10/06/2019 and their presence can also not be found in the oral report, leading to registration of FIR. It was submitted that the allegations were mainly against accused no.1 i.e. the husband of the victim. On this basis, it was submitted that as the applicants have been behind bars since 11/06/2019, the present application deserves to be allowed.

5. The learned APP opposed grant of relief in the present application, pointing out that the post-

mortem report revealed the death due to poisoning, as also about 8 injuries on the body of the victim and that since the victim was living in the same premises where the applicants were residing, their involvement could not be ruled out.

6. Having heard the learned counsel for the applicants and upon perusal of the material presently on record, it appears that even as per the oral report lodged by the complainant, the main role in the present case appears to be that of accused No.1 i.e. the husband of the victim. Even if the applicants were residing in the same premises, specific role does not seem to be attributed to the applicants, at least in so far as the incident that occurred on 10/06/2019, is concerned. It appears that the victim did suffer harassment as per the complainant but the major role was that of the accused No.1 i.e. husband of the victim

7. In view of the above, this Court is of the opinion that the present application deserves to be allowed by imposing conditions on the applicants.

8. Accordingly, the present application is allowed and the applicants are directed to be released on bail in Crime No. 125/2019, registered at Police Station Dhamangaon Badhe Dist. Buldana, on the following conditions :

- a) The applicants shall furnish PR bond of Rs.25,000/- (Rs. Twenty Five Thousand) each and surety in the like amount.
- b) The applicants shall attend Police Station Dhamangaon Badhe Dist. Buldana once a week i.e. on Sunday between 10:00 AM to 5:00 PM, till filing of chargesheet.
- c) The applicants shall cooperate with the investigation.
- d) The applicants shall not tamper with the evidence or influence the witnesses.

9. Needless to say, violation of any of the aforesaid conditions shall lead to cancellation of bail.

10. It is also clarified that the observations made in this order are limited to the question of grant of bail to the applicant.

JUDGE