

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1215 OF 2020

1. Sunita w/o Navnath Chavan
Age : 50 years, occ : household
R/o Wadod Kanhoba,
Tal. Khultabad. Dist. Aurangabad.
 2. Navnath s/o Bhimrao Chavan
Age : 60 years, occ : agri.,
R/o Wadod Kanhoba,
Tal. Khultabad. Dist. Aurangabad. Applicants
- Versus
- The State of Maharashtra
Through Khultabad Police Station,
District Aurangabad. Respondent

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Mr. N.S. Ghanekar, Advocate for the applicants.
Mr. P.G. Borade, A.P.P. for respondent / State.

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CORAM : **V.K. JADHAV, J.**

DATE : 27th October 2020.

ORDER :-

1. I have heard learned Counsel for the applicants for some time. Learned Counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant No.2 Navnath Bhimrao Chavan with liberty to file the application for regular bail before the Sessions Court after filing of the charge-sheet.

2. Leave granted.

3. The application of applicant No.2 Navnath Bhimrao Chavan is disposed of as withdrawn with liberty to file application for regular bail before the Sessions Court, after filing of the charge-sheet.

4. In so far as the applicant No.1 Sunita Navnath Chavan is concerned, she is seeking regular bail in connection with Crime No. 292 of 2020 registered with Khultabad Police Station, District Aurangabad for the offences punishable under Sections 304-B, 306, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code. Her Bail Application No. 1308 of 2020 with similar prayer came to be rejected by the learned Additional Sessions Judge, Aurangabad vide order dated 15.09.2020.

5. Learned Counsel for the applicant submits that applicant No.1 is mother-in-law of the deceased. The learned Counsel submits that the allegations have been made mainly against co-accused husband who is behind the bars and general allegations have been made against the applicant. The learned Counsel submits that the deceased died within four months of her marriage and as such the span of her cohabitation is very short. The learned Counsel submits that the co-accused husband has demanded certain amount to

start with the business and on account of non-fulfillment of the said demand, the deceased was subjected to ill-treatment. The learned Counsel submits that the general allegations have been made against the applicant to the effect that she was also insisting the deceased to bring the said amount from her parents. The learned Counsel submits that no specific instances have been quoted about the ill-treatment being extended to the deceased as against the present applicant.

6. The learned A.P.P. has strongly resisted the application on the ground that though the deceased died within a short span after the marriage, however, there were consistent unlawful demands for the cash amount of Rs.5,00,000/- on the part of the applicant and co-accused husband and the deceased was subjected to ill-treatment on account of non-fulfillment of the said demand. The learned A.P.P. submits that investigation is going on. As there are allegations about the demand of money and the deceased was subjected to ill-treatment on account of non-fulfillment of said demand for cash amount, the presumption under Section 113-B of the Indian Evidence Act stands attracted. The applicant may not be released on bail.

7. On careful perusal of the investigation papers and on going through the allegations made in the complaint, it

appears that twice the co-accused husband has made demand of cash amount of Rs. 5,00,000/- from the parents of the deceased when he had been to the parent's house of the deceased to fetch the deceased. So far as the present applicant is concerned who happened to be the mother-in-law of the deceased, general allegations seems to have been made against her. However, the investigation is still going on. I am inclined to release the applicant on bail only for the reason that she is a woman and she can be directed to co-operate the investigating agency to carry out further investigation into the crime. Hence, the following order.

ORDER

1. The application is hereby partly allowed.
2. Applicant No.1 Sunita w/o Navnath Chavan in connection with Crime No. 292 of 2020 registered with Khultabad Police Station for the offences punishable under Sections 304-B, 306, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code be released on furnishing personal bond of Rs.20,000/- (Rupees Twenty Thousand only) with one solvent surety of the like amount, on the following conditions :
 - (i) The applicant shall not tamper with the prosecution evidence in any manner.

- (ii) The applicant shall make herself available as and when required by the Investigating Officer in carrying out further investigation into the crime.

6. The application is accordingly disposed of.

(V.K. JADHAV, J.)

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