

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1271 OF 2020

**BHAGWAN AMBAR SHINDE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. N.S. Ghankar h/f. Rajebhosale Sandeep B.
APP for Respondents/State : Mr. S.D. Ghayal
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 18.11.2020
(Vacation Court)**

ORDER :-

Heard Shri N.S. Ghanekar learned counsel for the applicant, Shri Ghayal learned APP for the State and Shri Bangar assist to APP on behalf of the informant.

2. It is the prosecution case that the deceased was the daughter of the informant. Marriage of the deceased with Laxman (son of the applicant) was performed in the month of May-2018. The applicant is the father in law of the deceased. It is alleged that the applicant along with husband and mother in law made unlawful demand of Rupees Three Lakhs for purchasing agricultural field. Since this demand was not met she was subjected to ill-

treatment. The applicant along with other accused used to threaten her that she would be eliminated if their unlawful demand was not met. The deceased used to tell her parents about the unlawful demand and the consequent ill-treatment. On 07.08.2020 at 9.00 pm the informant who is the father of the deceased, learnt about the suicide of the deceased by consumption of poison. Accordingly, on 08.08.2020 the informant lodged the FIR.

3. The application filed before the learned Sessions Judge came to be rejected.

4. Shri Ghanekar submitted that general allegations are made against the applicant. He further submitted that deceased had written a couple of letters before committing suicide. Shri Ghanekar submits that these are the letters alleged to be written by the deceased. He submitted that the prosecution has not adduced any evidence to indicate that these letters were written by the deceased. Even if these letters are considered, they do not disclose any offence against the applicant as the said letters do not contain any allegation regarding unlawful demand on the part of the applicant and other accused. He submitted that mother in law has already been released on bail and the charge-sheet has also been filed. Therefore, the question of influencing the witnesses does not arise.

5. Shri Ghayal submitted that specific allegations are made against the applicant. He submits that the letters indicate that the deceased was subjected to unbearable torture as a result of which she embraced death. He further argued that after filing of the charge-sheet the informant came across an audio recording recorded on the handset of the deceased. He argued that the said audio recording is a vital piece of evidence and therefore the applicant should not be released on bail.

6. On persual of the copy of the charge-sheet, it is seen that allegations against the applicant are general in nature. It is true that span of marriage is of two years. The letters one of which is treated as suicide note by the prosecution, show that the deceased did not make any allegation as regards the unlawful demand allegedly made by the applicant and other accused. The allegations primarily are against the mother in law and the husband of the deceased. It appears that the immediate cause of death was a highly indignant statement made by the husband of the deceased. The allegations made in the letters also do not show that any specific allegation is made against the applicant. Having regard to this and since the charge-sheet is filed, I am inclined to release the applicant on bail. In view of this following order is passed:

ORDER

- I) The application is allowed.
- II) The applicant be released on bail in connection with Crime No. 341 of 2020 registered with Karmad Police Station, Aurangabad for the offences punishable under Section 304-B, read with Section 34 of the I.P.C. and Section 3, 4 of the Dowry Prohibition Act on furnishing PR bond of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety in the like amount and on condition that he shall not pressurise the witnesses.
- III) Application No.1967 of 2020 filed for assist to APP is allowed.

[M.G. SEWLIKAR, J.]