

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

BAIL APPLICATION NO. 1338 OF 2020

1. Shubham Shivaji Suryawanshi
2. Vijaymala w/o Shivaji Suryawanshi
3. Laxmibai @ Ashwini w/o Khandeshwar Kondamangale
4. Khandeshwar Ganpati Kondamangale ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. P. P. More, Advocate for the applicants
Mr. V. S. Badakh, APP for respondent - State

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**CORAM : R. G. AVACHAT, J.
(Vacation Court)**

DATED : 13th NOVEMBER, 2020

PER COURT :

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No. 173 of 2020, registered at Latur Rural Police Station, District Latur, for the offences punishable under Sections 306, 498-A read with 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and related papers.

The FIR has been lodged by the mother of deceased Shivani on 05.10.2020. Shivani married applicant No.1 – Shubham on 19.03.2020. On marriage, she started residing at her matrimonial house. Fifteen days after marriage, Shivani came to the house of the informant for “mandav utarni”. She, at that time, related the informant and others in the house that the applicants had been harassing her on account of having not been given freeze, sofa-set in the marriage. The applicant No.1 started asking Shivani to fetch rupees two lakh from her mother for setting up hair cutting saloon. The informant and her son reasoned with the applicants. They expressed their inability to meet the demand. The informant assured to pay the amount in installments. Shivani again came to the informant’s house for “Rakshabandhan”. That time, she told the informant that the applicants had asked her to return to the matrimonial house with rupees two lakh. She also related the informant that she was in fact sent to the informant’s house to fetch those articles. Shivani had related the informant that if the applicants again made the demands, she would commit suicide. The matter was related to other relations of the informant. Shivani’s brother Gajanan took her to her matrimonial house. On 30.09.2020, Shivani told the informant on cell phone that the applicants started

ill-treating her as she did not meet their demand. On 02.10.2020, the informant was told on telephone that Shivani committed suicide by hanging.

3. Learned APP would submit that a young bride had to end her life within seven months of her marriage. The applicants are responsible to drive her to commit suicide. He, therefore, urged for rejection of the application.

4. Learned Advocate for the applicants would on the other hand submit that allegations in the FIR are general in nature. The deceased was not happy with the marriage. Even, the husband of the sister-in-law of Shivani has not be spared. He stays at Nanded. According to him, no pretrial detention of the applicants is required.

5. After having heard learned Advocate for the applicants for a while, the Court expressed disinclination to grant relief to applicant No.1. He, therefore, comes around to withdraw the application so far as regards applicant No.1 is concerned. Learned Advocate for the applicant, therefore, on instructions, seeks permission to withdraw the application with liberty to approach the trial Court on filing of the charge-sheet.

6. The application, therefore, stands disposed of as withdrawn as against applicant No.1 with liberty as prayed for.

7. It is unfortunate that Shivani committed suicide within seven years of her marriage. There is no any suicide note. Applicant No.2 is Shivani's mother-in-law. She is 70 years old. Applicant No.3 is 27 years old i.e. sister-in-law. Applicant No.4 is the husband of applicant No.3. Both these applicants are stated to be residing in Nanded, away from matrimonial house of deceased Shivani. Applicant Nos. 2 to 3 have been behind the bars since 22.10.2020. It is stated that there is 2-3 days delay in lodging of the FIR. The allegations are general and vague in nature.

8. Since the applicant Nos. 2 and 3 are women and applicant No.4 having been residing at Nanded i.e. long away from the matrimonial house of the deceased, I am inclined them to grant bail. Hence, following order:

ORDER

(i) The application is partly allowed.

(ii) The applicant Nos.2 to 4 be released on bail in connection with Crime No.173 of 2020, registered at

Latur Rural Police Station, District Latur, for the offences punishable under Sections 306, 498-A read with 34 of the Indian Penal Code, on executing P R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only)each with surety in the like amount.

(iii) The applicant Nos. 2 to 4 shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

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