

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

923 BAIL APPLICATION NO.361 OF 2021

**GANESH SHALIGRAM BARVE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondents/State : Mr. G.O. Wattamwar
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 11.06.2021**

PC.:-

Heard.

2. The informant is the father of the deceased-Sushma. She was married to applicant in the year 2016. An amount of Rupees Five Lakhs was demanded as dowry by the applicant. Land to the extent of one acre out of gut no.205 situated at Longaon was transferred by the informant in the name of the applicant prior to the marriage.

3. It is further alleged in the FIR by the father of the deceased that the applicant started ill-treating and harassing the deceased by making demand of Rupees Five Lakhs instead of the land. The deceased was subjected to beating by the applicant. The deceased used to narrate her plight

to the applicant, his wife and son. About three months before the incident the informant sold the land which was transferred in the name of the applicant and the purchaser was asked to deposit the amount of consideration in the account of the applicant. On 22.12.2020 at 06.45 pm the informant received a telephonic call from the applicant informing therein that the deceased was drowned in the canal water. The deceased was found dead in the canal near Wadigodri. On these allegations FIR came to be lodged on 24.12.2020 vide Crime No.505/2020 under Section 306, 304-B, 498-A, 323, 504 read with Section 34 of the I.P.C. with Gondi Police Station, Taluka Ambad, District Jalna.

4. Heard Shri S.J. Salunke learned counsel for the applicant and Shri G.O. Wattamwar learned APP for the State.

5. Shri Salunke submitted that false allegations are levelled against the applicant. No evidence is on record to show that the deceased was subjected to ill-treatment. The applicant had purchased the land from the informant for an amount of Rs.2,90,000/-. He further argued that the applicant had sold the land to one Kalyani Fapal. He argued that the allegations made in the FIR are totally unfounded. The Investigating Officer could not collect any record in support of these allegations. He, therefore, prayed for releasing the applicant on bail.

6. Shri Wattamwar learned APP submitted that allegations are serious in nature. The informant had transferred the land to the extent of one acre in the name of the applicant. This transfer was made in lieu of the amount of dowry of Rupees Five Lakhs. He submitted that this sale-deed bears the testimony to the allegations made in the FIR. He submitted that later on the applicant changed his mind and started ill-treating the deceased saying that he did not want the land but wanted cash of Rupees Five Lakhs. Since this demand was not fulfilled, she was subjected to severe ill-treatment which became unbearable for her as a result of which she embraced death by jumping into the canal. He argued that having considered the seriousness of the allegations the applicant does not deserve to be released on bail.

7. It is not in dispute that the charge-sheet has been filed. Offence is not punishable with death or imprisonment for life. The applicant has stated in the affidavit that cash was given in the year 2015. The sale-deed is produced on record which mentions that cash of Rs.2,90,000/- was paid by the applicant to the informant. This transaction took place on 07.10.2015. It is registered sale-deed. Having regard to this and more particularly the trial is not likely to be over in near future and considering the pandemic situation, I am inclined to release the applicant on bail. Hence the following order is passed:

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs.15,000/- with one solvent surety in the like amount, in connection with Crime No.505/2020, registered with Gondi Police Station, Taluka Ambad, District Jalna under Section 306, 304-B, 498-A, 323, 504 read with Section 34 of the I.P.C.

[M.G. SEWLIKAR, J.]