

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

922 BAIL APPLICATION NO.466 OF 2021

**RIYAZODDIN S/O. HASHMUDDIN SHAIKH
VERSUS
THE STATE OF MAHARASHTRA**

Shri. Sandip R. Andhale, Advocate for the applicant
Shri. S. P. Sonpawale, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.

DATED : 31st August, 2021

PER COURT :-

1. Heard.
2. The deceased was the daughter-in-law of the applicant. Her marriage was performed in the year 2016. The informant is the father of the deceased. It is alleged in the FIR that the applicant used to demand Rs. 80,000/- from the deceased. It is further alleged that informant had paid Rs. 50,000/- to the applicant. She was maintained well for some days. Thereafter, again the applicant started illtreating the deceased. The applicant, his wife used to say that the deceased is good for nothing. On 19th January, 2020 at

12.30 noon the informant got a telephonic message that the deceased was suffering from diarrhea. Therefore, she was admitted in the hospital. 10 minutes later, son-in-law of the informant by the name of Mujakkir informed informant that the deceased died during treatment.

3. Charge-sheet is filed. Shri. Andhale, learned counsel for the applicant submits that after post-mortem no cause of death was given. On receipt of histopathological report cause of death is shown to be multiple injuries, shock due to multiple contusions over the bodies, caused due to multiple trauma over the body and head, due to hard and blunt object, in a case with severe Anaemia and acute Pyelonephritis. He submits that no serious allegations are made against the applicant.

4. Learned APP Shri. Sonpawale submits that the deceased had 24 injuries. Those injuries were within 24 hours from the death. She was subjected to illtreatment soon before death. He, therefore, prayed for rejection of the application.

5. On perusal of the final cause of death submitted by Medical Officer, Forensic Department, District Hospital, Ahmednagar it is seen that the deceased had multiple injuries. She also had multiple pus pockets in left kidneys. She was suffering from acute Pyelonephritis. The final cause of death is given as shock due to multiple contusions over the bodies, caused due to multiple trauma over the body and head, due to hard and blunt object, in a case with severe Anaemia and acute Pyelonephritis. Pyelonephritis as per Dorland's Pocket Medical Dictionary means inflammation of kidney and its pelvis due to bacterial infection.

6. From the final cause of death it appears that the condition of the deceased was Anaemic. She also had kidney problems. She died of severe Anaemia and acute Pyelonephritis alongwith other injuries. Therefore, from the final cause of death, it cannot be said that she died solely because of the injuries she sustained. Offence is not punishable with imprisonment for life or death. Applicant has no criminal background. He will not flee from justice. He will be available for trial. Having regard to the pandemic

situation, trial is not likely to be commenced in the near future. In this view of the matter, I am inclined to release the applicant on bail. Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 75,000/- (Rupees Seventy Five Thousand only) with one solvent surety in the like amount in connection with CR No. 72 of 2020 under Sections 302, 304-B and 498-A, read with Section 34 of the Indian Penal Code registered with Shevgaon Police Station, Ahmednagar.
3. Application is disposed of.

[M. G. SEWLIKAR, J.]

ssp