

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

27 BAIL APPLICATION NO.486 OF 2021

**ANILSINH ANANTSINH KACHAVA (THAKUR)
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Bayas Anandsingh
APP for Respondents/State : Mr. P.G. Borade
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 20th October, 2021**

PC.:-

Heard.

2. It is the prosecution case that the deceased was the wife of the applicant. They got married on 25.01.2015. She was maintained well for a period of six months after the marriage. Thereafter, the applicant and his relatives started ill-treating her physically and mentally and also started demanding money.

3. It is further alleged that on 12.09.2019 at 10.30 hours the deceased called up the informant (who is the mother of the deceased). In the telephonic conversation the deceased informed the informant that the applicant, his brother, his mother, his two sisters and husband of the sister started demanding Rupees Two Lakhs and that she should bring an auto from

her parents. Since the unlawful demand was not fulfilled, the applicant and the other accused strangled her and projected that it was a suicide. On these allegations offence under Section 302, 498-A, 323, 109, 504, 506 read with Section 34 of the I.P.C. came to be registered.

4. Heard Shri Bayas learned counsel for the applicant and Shri Borade learned APP for the State.

5. Shri Bayas submits that after receipt of CA report the charge-sheet came to be filed under Section 304-B of the I.P.C. He submits that charge-sheet is not under Section 302 of the I.P.C.

6. He further submits that there is no consistency in the supplementary statement and in the statement recorded under Section 164 of the Cr.P.C. He submits that the informant has been changing her stance. He submits that the allegations are general in nature.

7. Learned APP Shri Borade submits that death took place within four years of marriage. He does not dispute that charge-sheet is filed under Section 304-B of the I.P.C. He further submits that because of the ill-treatment meted out to the deceased on account of failure to meet the unlawful demand she died in unnatural circumstances.

8. Bare reading of the FIR makes it clear that the allegations made are general in nature. No specific act is attributed to the applicant and any of the accused. A general allegation is made that all the accused including the applicant were demanding cash of Rupees Two Lakhs and an auto. No specific role is ascribed to the applicant. In the FIR the informant has stated that there was demand of Rupees Two Lakhs and an auto and in the statement given under Section 164 of the Cr.P.C. no such allegation is found. Therefore, the allegations as regards demand of Rs.2,00,000/- becomes doubtful. Applicant has no criminal antecedents. He will be available for trial. In view of this and having regard to the nature of evidence collected by the prosecution, case for bail is made out. 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.203 of 2019 under Section 302, 498-A, 323, 109, 504, 506 read with Section 34 of the I.P.C. registered with Itwara Police Station, District Nanded.
- III) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.