

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

939 BAIL APPLICATION NO.531 OF 2021

DHAMMPAL BHIMRAO WANKHEDE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Bobde Sopan G.
APP for Respondents/State : Mrs V.S. Choudhary
...

CORAM : M.G. SEWLIKAR, J.
DATE : 01.07.2021

PC.:-

This is an application under Section 439 of the Cr.PC.

2. The applicant is the husband of the deceased-Ashwini. He was married to her on 19.02.2020. Informant is the brother of the deceased. After marriage she was maintained well for a period of two months. Thereafter the applicant, his sisters, his mother and father started ill-treating the deceased by making unlawful demand of Rupees One Lakh and demanding share in the landed property of the father of the deceased at Pimpalgaon. The deceased was subjected to maltreatment on account of non-fulfillment of these demands. The deceased was brought to her maternal home. Applicant went to her maternal home, beat her in the presence of informant and his father and took away the deceased with him. At the matrimonial house also she was

subjected to ill-treatment. Since she was unable to bear the ill-treatment any more she committed suicide by hanging in the matrimonial house. This incident took place on 02.01.2021 at 8.00 pm. This incident was communicated to the informant by his brother in law Gautam Ghorpade on phone. The deceased was admitted in the hospital. During treatment the deceased breathed her last. FIR came to be lodged on 04.01.2021, on the basis of which offence under Section 498-A, 304-B, 306, 323, 504, 506 read with Section 34 of the I.P.C. came to be registered.

3. Heard Shri Bobde learned counsel for the applicant and Smt V.S. Choudhary learned APP for the State.

4. Shri Bobde submitted that general allegations are made against the applicant and his family members. He submitted that the spot panchanama shows that when the applicant noticed that the deceased had hanged herself, he immediately brought her down and admitted her in to the hospital. He submitted that this conduct goes against the prosecution story of ill-treatment allegedly inflicted by the applicant and his family members on the deceased. He submitted that the *post mortem* report does not show any injury on the body of the deceased. He submitted that the two injuries which are appearing on the *post mortem* report were not inflicted by the applicant or his family members but they were caused during treatment and the inquest

panchanama bears testimony to it. He, therefore, submitted that the applicant be released on bail.

5. Learned APP Smt V.S. Choudhary vehemently submitted that the span of marriage is less than one month. The deceased was beaten in the presence of her father. She was subjected to severe ill-treatment on account of non-fulfillment of demand of Rupees One Lakh and share in the landed property of the father of the deceased. Since these demands were not met she was severely beaten. The applicant and his family members created such an atmosphere in the house that the deceased was left with no alternative than to embrace death. She submitted that it is a serious offence and in such serious offences offender should not be released on bail.

6. All the accused except the applicant are released on bail. The *post mortem* report shows that the deceased had two injuries but the inquest panchanama shows that these were the injuries which were caused during the treatment. Except these two injuries there is no other injury on the dead body.

7. The allegations against the applicant are general in nature. No details of ill-treatment are mentioned. It is vaguely mentioned without giving any details that the deceased was beaten by the applicant. The offence is not punishable with death or life imprisonment. In this view of the matter, I am

inclined to release the applicant on bail. In view of this following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.25,000/- with one solvent surety in the like amount, in connection with Crime No.03 of 2021 under Section 498-A, 304-B, 306, 323, 504, 506 read with Section 34 of the I.P.C. registered with Harsul Police Station, District Aurangabad (R.C.C. No. 906 of 2021 pending before the 17th J.M.F.C., Aurangabad.)

[M.G. SEWLIKAR, J.]