

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

949 BAIL APPLICATION NO.634 OF 2021

Bharat Pandurang More (Joshi) and another ...Applicants

Versus

The State of Maharashtra ...Respondent

Advocate for Applicants : Mr. G. R. Syed
APP for the Respondent : Mr. R. V. Dasalkar

CORAM : M. G. SEWLIKAR, J.

DATE : 03-07-2021

PER COURT :-

1. Mr. G. R. Syed, learned Advocate seeks leave to amend prayer clause. Leave granted.
2. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicants on bail.
3. It is alleged in the First Information Report lodged by the mother of the deceased that the deceased Rohini was her daughter and she married applicant No.1 on 2nd February, 2018. The marital life of the deceased Rohini was good for a period of initial six months. Thereafter her mother-in-law Meenabai started illtreating her. She used to pass sarcastic remarks at

her, used to abuse her and beat her for no rhyme or reason. The sister of applicant No.1 also used to instigate the mother-in-law to illtreat deceased Rohini. Applicant No. 1 started demanding Rs. 50,000/- for setting up a tailoring shop. The deceased was subjected to illtreatment on account of non fulfilment of the same. At the time of Diwali of 2020, applicant No.1 and his mother Meenabai quarreled with deceased Rohini on account of non fulfilment of demand of Rs. 50,000/-. Deceased Rohini was illtreated by her mother-in-law and she was sent to her maternal place. At that time Rohini stayed with the informant for a period of one and half months. Thereafter, she again went back to her matrimonial place for cohabitation. On 27th January, 2021, at about 2.00 p.m. neighbours of Rohini informed the informant that deceased Rohini committed suicide by hanging. Thereafter F.I.R. came to be lodged on 27th January, 2021, on the basis of which offence under Sections 304(B), 498-A, 323, 504 read with Section 34 of the Indian Penal Code came to be registered.

4. Heard Mr.Syed, learned Advocate for the applicants and Mr. Dasalkar, learned A.P.P. for the State. Mr. Syed submitted that the allegations against the applicants are general in nature. No specific act is attributed to any of the applicants. Applicant No.2 is the maternal uncle of applicant No.1. No allegations are

made against him, except the allegation that he used to pass sarcastic remarks at her. He submitted that sister-in-law and mother-in-law of deceased Rohini have been released on bail by the Sessions Court. He seeks release of the applicants by invoking the principle of parity.

5. Shri Dasalkar, learned A.P.P. for the State submitted that span of marriage is less than one year. She was subjected to such a severe illtreatment that she was left with no alternative than to commit suicide. He submitted that specific allegations are made against applicant No.1 about demand of Rs. 50,000/- for setting up a tailoring shop. He submitted that offence being serious in nature, applicants may not be released on bail.

6. On perusal of copy of the charge sheet it is seen that cause of death is "due to asphyxia due to hanging". On perusal of the F.I.R. and the statement of the witnesses, it is seen that general allegations are made against the applicants. No specific act is attributed to any of the applicants. General and vague allegations are made that the demand of Rs. 50,000/- was made for starting a tailoring shop. When this demand was not met, vague allegations about beating the deceased by the applicants are made. So far as applicant No. 2 is concerned, the only allegation against him is that he used to pass sarcastic remarks

at her. Offence is not punishable death or imprisonment for life. The applicants are behind bars since 28th January, 2021. Considering this and the pandemic situation created due to Covid- 19 and that the trial is not likely to be concluded within a reasonable time, I am inclined to release the applicants on bail. Hence the following order :

ORDER

- (i) Each of the applicant be released on P.R. bond of Rs. 25,000/-(Rupees Twenty Five Thousand only) with one solvent surety in the like amount in connection with Crime No. 54/2021 registered with Nandurbar City Police Station, Nandurbar, Taluka and District Nandurabar under Sections 304(B), 498-A, 323, 504 read with Section 34 of the Indian Penal Code (Sessions Case No. 12/2021 pending before the learned Sessions Judge, Nandurbar.)
- (ii) Bail Application is disposed off.

[M.G. SEWLIKAR, J.]

shp/-