

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

22 BAIL APPLICATION NO.823 OF 2021

1. PRAVIN PRAKASH AMBHURE
2. PRAKASH RAMCHANDRA AMBHURE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. More P. P.
APP for Respondents/State : Mr. S.P. Sonpawale
...

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

PC.:-

Heard.

2. Prosecution case in brief is that the deceased was married to applicant no.1 on 27.02.2020. Applicant no.2 is the father in law of the deceased. She was maintained well for some days after the marriage. Thereafter, the deceased was subjected to ill-treatment on account of remaining amount of dowry. It is further alleged in the FIR that the applicant no.1 was to get a job for which he was required to pay Rs.10,00,000/-. Therefore, applicant started saying that she should bring Rs.3,00,000/- from her parents which the deceased was unable to fulfill. The informant had paid Rs.1,50,000/- and he had assured to pay the remaining amount. However,

despite payment of this amount and despite the assurances, the applicant no.1 did not mend his ways and continued to torture the deceased. When ill-treatment became unbearable for the deceased, she set herself on fire by pouring petrol on her person.

3. The deceased was hospitalised by the applicant no.1 and one Pramod Ambhure. The deceased died during the treatment on 31.10.2020. FIR came to be lodged on 01.11.2020. The applicant came to be arrested on 01.11.2020. On the basis of the FIR offence under Section 304-B, 498-A, 323, 504 read with Section 34 of the I.P.C. and under Section 3 and 4 of the Dowry Prohibition Act came to be lodged.

4. Heard Shri More learned counsel for the applicant and Shri S.P. Sonpawale learned APP for the State.

5. Shri More submits that vague and general allegations are made against the applicants. He submitted that charge-sheet is filed and the offence is not punishable with death or life imprisonment. He further submitted that papers of the charge-sheet show that the deceased died accidentally as while cooking her saree caught fire. He submits that in view of this contradictory theory brought out by the prosecution the applicants are entitled to be released on bail.

6. Learned APP Shri Sonpawale submits with vehemence that the said information about accidental catching of fire was furnished by the applicant no.1 himself. He submits that the span of marriage is only of eight months. She was subjected to ill-treatment as unlawful demand of money was not met by the informant. He submits that in such serious cases bail should not be granted.

7. On perusal of the charge-sheet, it is seen that the police officer informed the medical officer that the deceased died due to accidental fire while cooking. The deceased was admitted in the hospital by the applicant no.1 and one Pramod Ambhure. She was admitted at 12.55 pm. Spot panchanama does not show that any bottle of petrol or diesel was found at the spot. It is not even the case of the prosecution that the applicant owns any automobile vehicle. Having regard to the totality of the circumstances and more particularly vague and general allegations against the applicant about demand for money, case for bail is made out. Charge-sheet is filed, therefore there is no question of tampering of the evidence. Therefore, further detention of the applicants is also not necessary. Applicants are permanent resident of Partur, District Jalna. They have no criminal antecedents and are not likely to flee from justice. In this view of the matter, the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicants be released on PR bond of Rs.25,000/- each with one solvent surety in the like amount each, in connection with Crime No.476 of 2020 under Section 304-B, 498-A, 323, 504 read with Section 34 of the I.P.C. registered with Partur Police Station, District Jalna.
- 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.

[M.G. SEWLIKAR, J.]