

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

947 BAIL APPLICATION NO.1033 OF 2021

1. GANESH DNYANESHWAR SAKHARE
2. DNYANOBA RUDRAPPA SAKHARE
3. MANGESH DNYANESHWAR SAKHARE
4. SAU. SUREKHA DNYANOBA SAKHARE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Solanke Shikrashna B.
APP for Respondents/State : Mr. S.D. Ghayal
...

CORAM : M.G. SEWLIKAR, J.
DATE : 26th October, 2021

PC.:-

Heard.

2. It is the prosecution case that applicant no.1 married deceased Renuka on 30.06.2020. It was agreed that dowry of cash of Rs.21,000/- and gold of two tolas was to be given. However, financial condition of the father of the deceased was not sound. He could not meet the said demand and could not pay the dowry as agreed. Therefore, applicant no.1 the husband, applicant no.2 father, applicant no.3 brother and applicant no.4 mother of applicant no.1 started ill-treating the deceased on this count and demanded Rupees One Lakh for purchasing a plot. She was subjected to ill-treatment as

this unlawful demand was not met. On 23rd April, 2021 deceased had made a phone call to the informant, who is the father of the deceased, and narrated him about the unlawful demand and the ill-treatment at the hands of the applicants. On 29th April, 2021 at 6.00 am applicant no.1 telephonically informed informant that the deceased committed suicide by hanging. FIR came to be lodged on 5th May, 2021.

3. Learned counsel Shri Solanke for the applicants submit that there is delay of seven days in lodging the FIR which is not explained. He further submits that on the basis of information given by the informant AD was registered at that time he did not make any such allegation.

4. Learned APP Shri Ghayal submits that there are specific allegations against all the applicants. Deceased got married on 30th June, 2020 and she committed suicide on 29th April, 2021. He submits that within one year deceased had to embrace death because of the ill-treatment of the applicants.

5. Admittedly, AD was registered on the basis of information given by the informant. At the time of registration of AD informant had made a statement that deceased was short tempered and she committed suicide because of this nature of hers. So far as allegations made in the FIR, no

whisper is made in the AD. AD is conspicuously silent about these allegations. A completely different story is made out in the AD. In the AD informant has stated that applicants used to ill-treat her on flimsy grounds. There is no whisper about non payment of dowry or demand of Rupees One Lakh for purchasing a plot. Moreover, there is gross delay of seven days in lodging the FIR. There is no explanation for the delay. In this view of the matter, I am inclined to release the applicants on bail. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicants be released on PR bond of Rs.15,000/- each with one solvent surety in the like amount each, in connection with Crime No.162 of 2021 under Section 304-B, 498-A, 323, 504 read with Section 34 of the I.P.C. registered with Kallam Police Station, District Osmanabad.
- 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.]