

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

936 BAIL APPLICATION NO.138 OF 2022

Raju S/o. Dattrao @ Dattatray Kale
Age: 30 years, Occu.: Agril,
R/o. Village Maradga, Tq.Hadgaon,
Dist.Nanded.

..Applicant

VERSUS

The State of Maharashtra
Through Hadgaon Police Station,
Dist.Nanded.

..Respondent

Advocate for Applicant : Shri Dhananjay M. Shinde
APP for Respondent : Shri G.O.Wattamwar

CORAM : M.G.SEWLIKAR, J.

DATE: 18th February, 2022

PER COURT :-

1. Heard.
2. The informant is the maternal uncle of deceased Saguna @ Gayatri. The deceased was married to one Sanjay Dattrao Kale on 4th August, 2020.
3. After 2-3 months of marriage, applicant (husband of the deceased), father-in-law of the deceased, mother-in-law of the deceased, brother-in-law of the deceased and his wife started saying that she should bring money from her maternal uncle. They used to doubt her chastity. They did not allow her to talk to the informant on mobile. The deceased used to tell about her

ill-treatment to the informant whenever she came to his place.

4. On 11th August, 2021, the deceased had come to her maternal place for festival Nagpanchami . At that time, she narrated the ill-treatment she had to the maternal uncle and other family members. When her in-laws asked the informant to drop the deceased at her matrimonial place, the informant refused to do so on the ground that the deceased had several ill-treatments from the applicant and his family members. The father of the co-sister by the name of Godavari came home and assured that the deceased would be maintained properly. Therefore, the deceased was allowed to go to her matrimonial place. On 11th September, 2021 at 07:53 a.m. father-in-law of deceased Saguna by the name of Dattrao made a call to the informant and told the informant that deceased Saguna fell down because of giddiness. She was immediately shifted to the Civil Hospital, Balapur. When the informant reached the Hospital, he was informed about the death of the deceased. When he saw the dead-body of the deceased, he found injuries on her person and therefore, he lodged the report against the applicant and other accused on the basis of which Crime No.0250 of 2021, came to be registered with Hadgaon Police Station, Dist.Nanded, under Sections 302, 304-B, 498-A read with Section 34 of the Indian Penal Code.

5. Shri D.M.Shinde, learned counsel for the applicant submits that there are vague allegations against the applicant about unlawful demand of money. No specific role is attributed to the applicant. It is vaguely alleged that the applicant and his family members used to ask the deceased to bring money from her maternal uncle. He, therefore, submits that so far as applicant is concerned, no case is made out against him.

6. Shri G.O.Wattamwar, learned APP for the respondent-State submits that there is cogent evidence against the applicant. He, therefore, prayed for rejection of the application.

7. Charge-sheet is filed. On perusal of the charge-sheet, it is seen that the case of the prosecution is that the deceased was beaten by Sanjay Kale by means of belt and because of such beating she had sustained head injury. The post mortem report shows the cause of death as head injury. The applicant is not accused of causing head injury to the deceased. So far as unlawful demand of money is concerned, it is as vague as it could be. In the entire FIR, how much amount was demanded, is not mentioned. So far as statements of other witnesses are concerned, they are on the same lines. Therefore, on the basis of vague and general allegations, it cannot be said that there is a *prima-facie* case against the applicant under Section 498A of the

Indian Penal Code. Offence under Section 498A is punishable with imprisonment for three years and fine. It is not punishable with death or imprisonment for life. All the allegations of homicide are made against the husband of the deceased. Applicant has no criminal antecedents. He is not likely to flee from justice. In this view of the matter, I am inclined to release the applicant on bail. Hence, the order :

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.15,000/- (Rs. Fifteen thousand only) with one solvent surety in the like amount, in connection with Crime No.0250 of 2021, registered with Hadgaon Police Station, Dist.Nanded, under Sections 302, 304-B, 498-A read with Section 34 of the Indian Penal Cod
- iii) Bail Application is disposed of.
- iv) It is clarified that the observations made in this order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

**(M.G.SEWLIKAR)
JUDGE**