

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

BAIL APPLICATION NO.697 OF 2022

1. Amol s/o. Ramkisan Gunjal
2. Mangal w/o. Ramkisan Gunjal ..Applicants

Vs.

The State of Maharashtra ..Respondent

Mr.R.R.Karpe, Advocate for applicant
Mr.A.V.Deshmukh, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : JULY 25, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.192 of 2022 registered with Ahmednagar Taluka Police Station, Dist. Ahmednagar.

2. Heard learned counsel appearing for the parties.

3. The applicants before this Court are brother-in-law and mother-in-law of the deceased. The post mortem report indicates that the deceased died due to drowning.

4. The FIR has been lodged by the brother of the deceased. The marriage of the deceased took place on 28.04.2018. The applicants, husband of the deceased and even his cousin are alleged to have harassed and illtreated the deceased in connection with unlawful demand of money. It has been alleged in the FIR that in the year 2020, the husband of the deceased was paid Rs.One Lakh. He was still unsatisfied. It is also alleged in the FIR that during the period from 13.07.2021 to 23.03.2022, the husband of the deceased was paid Rs.63,000/- through PhonePe. On the same lines are the statements of the relations of the deceased.

5. Learned counsel for the applicant would submit that there is no suicide note. The allegations are general and stereotype. The applicants are brother-in-law and mother-in-law of the deceased. Investigation is over. Charge sheet has been filed. He, therefore, urged for grant of bail.

6. Learned APP urged for rejection of the application.

7. Considered the submissions advanced. The cause of death of deceased - Rekha is asphyxia due to drowning into a well. The deceased did not leave behind any suicidal note. The FIR has

been lodged by the brother of the deceased, alleging the husband and in-laws (applicants) to have had illtreated the deceased in connection with unlawful demand of money. The nature of the evidence is oral one. Investigation of the crime is over. Charge sheet has been filed. The applicants before the Court are brother-in-law and mother-in-law and not husband of the deceased. In the FIR, it is averred that the husband of the deceased was paid Rs.63,000/- through PhonePe during a particular period. He was also paid Rs.1,00,000/- in the year 2020. Since the husband of the deceased is not before this Court, these allegations may not be raised against the applicants herein.

8. Considering the fact that on investigation, charge sheet has been filed and it will take time for commencement and conclusion of the trial, I am inclined to grant bail to the applicants.

9. It is, however, made clear that the aforesaid observations are made on the basis of the material, which is attributable to the applicants herein. The trial Court shall not be influenced by these observations, while deciding application for bail, if any, moved by the husband of the deceased - Anil

10. In view of the above, the Court is inclined to grant the applicants bail. Hence, the following order:-

(i) The application is allowed.

(ii) The applicants be released in connection with Crime No.192 of 2022 registered with Ahmednagar Taluka Police Station, Dist. Ahmednagar, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount.

(iii) The applicants shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

KBP