

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

BAIL APPLICATION NO. 827 OF 2022

Kusum Baliram Waybhase

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

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Mr. S.S. Thombre, Advocate for applicant
Mr. V.S. Badakh, A.P.P. for respondent – State
Mr. M.B. Sandanshiv, Advocate for assist to A.P.P.

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**CORAM : R.G. AVACHAT, J.
DATE : 26th JULY, 2022**

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 48 of 2022 registered with Jamkhed Police Station, Dist. Ahmednagar for the offences punishable under Sections 306, 304-B, 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report (“F.I.R.”) and related police papers.

3. The F.I.R has been lodged by the father of the deceased – Sheetal. Sheetal got married with Ramdas, son of the applicant, in May 2020. The

couple was blessed with a baby girl. It is alleged in the F.I.R. that the husband and parents-in-law of the deceased had been ill-treating her all along in connection with unlawful demand of money. The husband of the deceased has been paid Rs.1.30 lakhs in June 2021. He again made demand of Rs.80,000/- in February 2022. The deceased told the informant that the husband and parents-in-law were consistently ill-treating her in connection with the demand. They would say her that if the demand could not be met, she should commit suicide. On 13th February, 2022 the deceased consumed some liquid poisonous substance. She was immediately rushed to the hospital. She was unconscious. She ultimately breathe her last on 16th February, 2022.

4. Learned counsel for the applicant would submit that nature of evidence is oral one. The deceased did not leave behind suicide note. The applicant is a woman (mother-in-law of the deceased). A 6-7 months old girl child of the deceased has been with the applicant in jail. He, therefore, urged for grant of the application.

5. Learned A.P.P. and learned counsel for the intervenor would, on the other hand submit that investigation of the crime is underway. Attention of this Court is adverted to the postmortem report to indicate number of injuries noticed on the person of the deceased. A statement of brother of the

deceased has also been placed on record to indicate that they wanted the custody of baby of the deceased and he was doing the needful in that regard. Both the learned counsel, therefore, urged for rejection of the application.

6. Considered the submission advanced. The applicant is a woman. She has been in jail since 26th March, 2022. A 7-8 months old girl child of the deceased is with the applicant in jail, for no fault of her. This fact leads this Court to grant the applicant bail. Needless to mention, the Court is not observing anything about merits of the matter. Application for bail, if any, that may be moved by the co-accused would necessarily be decided on merits of the case.

7. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released, in connection with Crime No. 48 of 2022 registered with Jamkhed Police Station, Dist. Ahmednagar for the offences punishable under Sections 306, 304-B, 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not tamper with the prosecution evidence.

(IV) The applicant to submit bail papers post release from jail.

(V) The Registrar (Judicial) to ensure applicant's release forthwith.

(R.G. AVACHAT, J.)

SSD