

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

BAIL APPLICATION NO. 874 OF 2022

1. Dnyanoba Maroti Tirgul
Age: 80 years, Occu.: Agri.,
2. Girjabai Dnyanoba Tirgul
Age: 77 years, Occu.: Household,
3. Nirmala Mahadev Ganage
Age: 44 years, Occu.: Household,

All R/o Pimpalner, Tq. & Dist. Beed

..APPLICANTS

VERSUS

State of Maharashtra
Through Police Inspector,
Police Station, Pimpalner,
Tq. & Dist. Beed

..RESPONDENT

....

Mr. S.S. Thombre, Advocate for applicants
Mr. N.T. Bhagat, A.P.P. for respondent - State

....

**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 applicants have been arrested in connection with Crime No. 50 of 2022 registered with Pimpalner Police Station, Dist. Beed for the offences punishable under Sections 302, 306, 498-A, 323, 504 read with Section 34 of the Indian Penal Code ('I.P.C.').

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

3. The F.I.R. has been lodged by brother of the deceased – Balika on 09th May, 2022. It is the case of the informant that his sister was given in marriage to Babasaheb, son of Applicant nos. 1 and 2 and brother of Applicant No.3, about twenty years before. The couple was blessed with four daughters and one son. The applicants and the husband of deceased - Balika would ill-treat her so as to compel her to fetch from her parents money for purchase of motorbike. She used to relate her woes to her brother and other family members. The applicants and the husband of the deceased used to reason with. The ill-treatment, however continued. Balika died on the intervening night of 08th and 09th May, 2022. The informant, therefore, rushed to the hospital.

4. Initially crime for the offence punishable under Sections 306 and 498-A of the I.P.C. was registered. During investigation it was found that there was ligature mark on the neck of the deceased and injuries as well. Section 302 of the I.P.C., therefore, came to be invoked. The applicants and husband of the deceased came to be arrested.

5. Learned counsel for the applicants would submit that Applicant Nos. 1 and 2 are more than seventy seven years of age. Applicant No.3 is

their married daughter residing at her matrimonial home. He would further submit that even in the case of suicide by hanging, ligature mark may appear. Learned counsel mainly urged for grant of bail on the ground of age of Applicant Nos. 1 and 2 and gender of Applicant No.3.

6. Learned A.P.P., on the other hand, opposed for grant of bail to the applicants herein since investigation is underway. According to him, unless the applicants assisted the husband of the deceased, the offence could not have been committed.

7. Considered the submissions advanced. I do not propose to make observations regarding merits of the matter since it may influence the bail application that may be filed by Accused No.1 - Babasaheb. The deceased had married Babasaheb about twenty years back. The couple was blessed with four daughters and one son. On the given day, the deceased was found hanging from the ceiling at her residence. Initially, the offence of abetment of suicide was registered. During inquest and postmortem examination report, it was noticed that there was ligature mark (described at column 17 of the postmortem report) on the neck of the deceased. Section 302 of the I.P.C., therefore, came to be invoked. Applicant No.3 - Nirmala is sister-in-law of the deceased. She is married. Statement of daughter of the deceased does not indicate that Applicant No.3 – Nirmala was at their home

at the fateful night. Applicant No.1 is eighty years of age and Applicant No.2 is seventy seven years old. The statement of daughter of the deceased is taken into consideration besides the fact that Applicant Nos.1 and 2 are more than seventy seven years of age. They have been behind the bars for over two and half months. In view of this, pre-trial detention of the applicants is unwarranted.

8. 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 applicants be released, in connection with Crime No. 50 of 2022 registered with Pimpalner Police Station, Dist. Beed for the offences punishable under Sections 302, 306, 498-A, 323, 504 read with Section 34 of the Indian Penal Code, on executing PR. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety in the like amount.

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

(R.G. AVACHAT, J.)

SSD