

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

BAIL APPLICATION NO. 1202 OF 2022

1. Pralhad Radhakisan Lad
Age: 46 years, Occu.: Menial Labour

2. Pradip Pralhad Lad
Age: 24 years, Occu.: Labour,

Both R/o Shivnagar, Jalna

..APPLICANTS

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. A.B. Ghule, Advocate for applicants
Mr. N.T. Bhagat, A.P.P. for respondent - State

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CORAM : R.G. AVACHAT, J.
DATE : 03rd OCTOBER, 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. 68 of 2022 registered with Kadim Jalna Police Station, Dist. Jalna for the offences punishable under Sections 302, 304-B, 498-A and 120-B read with Section 34 of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act.

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

3. The F.I.R. has been lodged by father of the deceased on 17th February, 2022. Applicant No.1 is father-in-law while Applicant No.2 is husband of the deceased. It has been averred in the F.I.R. that Applicant No.2 – Pradip called the informant on phone and told that his wife – Sonali was lying motionless on the sofa. He, therefore, reached to his daughter's matrimonial home to find some marks on her neck. He, therefore, immediately informed the concerned police station. The police arrived. Sonali was rushed to the hospital. She was found dead. The postmortem report indicates she died of ligature strangulation.

4. Learned counsel for the applicants would submit that there were no marks of struggle made by the deceased. There was no fracture of thyroid cord. He meant to say that thyroid was intact. According to learned counsel, it may be a case of hanging. The applicants are not likely to abscond. He, therefore, urged to allow the application.

5. It has been averred in the F.I.R. that the husband and in-laws of the deceased had been consistently harassing her. She had, therefore, been to her father's residence for little over fifteen days before the incident. It was Applicant No.2 – Pradip (husband of the deceased), who took her back to her matrimonial home on 15th February, 2022. He was reasoned with that time. It is only two days thereafter Sonali passed away at her matrimonial home. It

is, therefore, for her husband and in-laws to offer a reasonable explanation about the cause of death. The postmortem report indicates the deceased died of ligature strangulation. Prima facie it rules out the case of self-hanging. The Court is, therefore, not inclined to grant bail to Applicant No.2 – Pradip, husband of the deceased. So far as regards Applicant No.1 – Pralhad – father-in-law of the deceased is concerned, he is over sixty years of age. Considering his age, the Court is inclined to grant him bail.

6. The trial Court is expected to frame charge within two months from the date of receipt of copy of this order and conclude the trial within six months thereafter. If same could not be concluded within the time frame, Applicant No.2 may revive his prayer for bail. Needless to mention, same shall be decided on its own merits.

7. In view of above, I pass the following order :-

ORDER

(I) The bail application is partly allowed.

(II) Bail application of Applicant No.2 - Pradip Pralhad Lad is rejected.

(III) Applicant No.1 - Pralhad Radhakisan Lad be released on bail, in connection with Crime No. 68 of 2022 registered with Kadim Jalna Police Station, Dist. Jalna for the offences

punishable under Sections 302, 304-B, 498-A and 120-B read with Section 34 of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act, on executing PR. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(IV) He shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD