

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1639 OF 2022

1. MAHESH DILIP TRIBHUVAN
2. MEERABAI DILIP TRIBHUVAN

VERSUS

THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Anuj A. Fulfagar
APP for Respondent : Ms. V. S. Choudhari
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CORAM : S. G. MEHARE, J.

DATE : 11-10-2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent/State.

2. A young married lady lost her life in a pond near her house. She married with the applicant on 30.11.2021. The prosecution case in brief is that on the day of the incident, in the morning at 6.30 hours, the deceased went to wash the legs on the pond and since then she disappeared. Her parents learnt about her disappearance. Hence, they went to the house of the applicants. They searched the deceased on and near the pond, but she was not found. Thereafter, the father of the deceased lodged a missing report. Then, again a search was taken in the pond. Lastly, her

dead body was found in the pond. However, it has been alleged that the applicants and family members tortured the deceased as the parents of the deceased did not pay him Rs.1,00,000/- to purchase a motor bike. She was tortured for the amount and claimed her life for dowry.

3. The learned counsel for the applicants would submit that it was an accident. They never tortured the deceased for dowry or any thing. As usual, she went to the pond in the morning and she must have fallen in the pond. He also referred to the statements of witnesses which show that foot wear and big iron basket were lying near the pond. He would submit that there is no incriminating evidence against applicants. He has been arraigned as an accused being husband and due to the death of the victim caused within a short time of the marriage. The investigation is over. The charge-sheet has been filed. He has been behind the bar since 04.05.2022. There were no complaints against the applicants prior to the incident. The deceased died suddenly; hence, false allegations of demand of dowry have been levelled against them. Applicant No.2 is mother-in-law of the deceased. She is 50 years old and has various ailments. She also never ill-treated and harassed the deceased for dowry or anything. Considering the facts of the case and inconsistent evidence collected by the Investigating Officer, the applicants may be released on bail.

4. The learned A.P.P. has vehemently opposed the application contending that the circumstances are suspicious. She would also argue that a young lady has lost her life within a short period of her marriage. The applicants have suppressed the facts from the police. The deceased had no reason to go to the pond at early hours. The offence is serious. Hence, the application may be rejected.

5. Perused the papers. It reveal that since the deceased disappeared, her parents were called. The parents and the family members of the deceased searched the deceased, but she was not found. Therefore, a missing report was lodged by the father-in-law. Till that time, there were no allegations against the applicants or his family. However, subsequently, her dead body was found in the pond, and thereafter, the allegations of demand of dowry appears to have been made.

6. Perusal of the postmortem report shows that there were no signs of committing murder. The prosecution has no material to believe that she was pushed in the pond. The general allegations of demand of money for motor bike have been levelled against the applicants. The witnesses are residents of different villages. Therefore, there may not be tampering with the evidence. The investigation is complete. Nothing is to be recovered from the applicants. Trial may take its time. Applicant No.1 Mahesh is a

young boy, 22 years old and his mother is 50 years old. There are no antecedents to their discredit. Hence, they deserve bail. Therefore, the following order :-

- i) Application is allowed.
- ii) Applicants No. (1) Mahesh Dilip Tribhuvan and (2) Meerabai Dilip Tribhuvan, be released on bail, on furnishing PB and SB of Rs.15,000/- each, with one solvent surety of the like amount, in FIR No.0156 of 2022 registered with Taluka Police Station, Kopargaon, District Ahmednagar, for the offences punishable under Sections 304B and 498A read with Section 34 of the Indian Penal Code.

**(S. G. MEHARE)
JUDGE**

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