

(1)

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

BAIL APPLICATION NO.1726 OF 2022

**SUNIL DASHRATH SHINDE
VERSUS
THE STATE OF MAHARASHTRA**

Mr Sohel E. Siddiqui and Mr. M. M. Mulla, Advocates for applicant;
Mr A. A. Jagatkar, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 25th November, 2022

PC.

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

2. The applicant has been arraigned as an accused for the death of a married woman for demand of dowry. The applicant has a case that he is not the blood relative of the deceased. The mother-in-law of the deceased and the applicant were residing separately from the deceased. The mother-in-law of the deceased had left her husband. Since the applicant is not in blood relation and residing together with the deceased and her husband, the allegations levelled against the applicant that he illtreated the deceased for dowry have no legal base. He, therefore, prayed to grant bail to the applicant.

(2)

3. The learned A.P.P. for the respondent has opposed the application. He would submit that there are direct allegations against the applicant that he illtreated and harassed the deceased for demand of dowry. *Prima facie* material is available against the applicant. Hence, the applicant may not be released on bail.

4. Perused the papers placed before this Court. It is not in dispute that the mother-in-law of the deceased had left her husband and was residing with the present applicant. It also reveals that he was not in blood relation with the deceased. The complainant herself stated in the statement under Section 164 of the Code of Criminal Procedure that the mother-in-law of the deceased and the present applicant were residing separately from the deceased and her husband. To attract Section 304B of the Indian Penal Code, there must be material that the deceased was illtreated and harassed for demand of dowry soon before the death. Considering the factum of separate residence of the applicant from the deceased, he has a *prima facie* case for bail. Hence, the following order :-

- i) The application is allowed.
- ii) Applicant Sunil s/o. Dashrath Shinde be released on bail, on furnishing PB and SB of Rs.25,000/- with one solvent surety of the like amount, in C.R.No. 508 of 2022, registered with Taluka Jalna Police

(3)

Station, District Jalna, for the offence punishable under Sections 304B, 323, 498A, 504, 506 read with Section 34 of the Indian Penal Code.

(S. G. MEHARE, J.)

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