

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

**BAIL APPLICATION NO.1669 OF 2022
WITH APPLN/3546/2022**

1. Mahadeo @ Vishwanath S/o. Bhimrao Sargude
2. Navnath s/o. Mahadeo Sargude
3. Sambhaji s/o. Mahadeo Sargude ...Applicants

Versus

The State Of Maharashtra ...Respondent

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Advocate For Applicants : Mr. Choudhari Sushant B

App For Respondent/State : Mr. K.S. Patil

Advocate For Complainant : Mr. M.S. Karad

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CORAM : S.G. MEHARE, J.

DATED : 19th OCTOBER, 2022

PER COURT:-

1. Heard learned counsel for the applicants, learned APP for the State and learned counsel for the complainant.
2. The deceased married to the applicant – husband in the year 2019. She committed suicide on 14.09.2022. As usual, it has been alleged that the deceased was ill-treated by her husband and his relatives and asked her to bring Rs.5 lacs to purchase one guntha land.
3. Learned counsel for the applicants would submit that the deceased was not happy with the applicant – husband. She frequently used to go to her parents. Every time, they were explaining her and

sending her back. As per the FIR, after the summer vacation of 2022, her brother left her to his house. That time, she told her brother that she would never come to their home. Since the deceased was not happy with the family of the applicant/husband, on 12.09.2022 she disappeared. The applicant/husband immediately informed her parents. Her parents also searched her, but they did not find her. However on 14.09.2022, her dead body was found in the well. Thereafter, the report has been lodged. The applicants are languishing in jail since 19.09.2022. Nothing is to be recovered from them.

4. Learned APP and learned counsel appearing for the complainant would argue that the deceased died within seven years of her marriage. Therefore, the presumption may be drawn against the applicants that they abetted her to commit suicide. She was harassed for the dowry. The offence is serious. Hence, the applicants are not entitled to the bail.

5. Perused the papers. The specific contention in the report was that when the brother of the deceased left her to the house of her husband, she told him that she would never come to their home. The FIR further reveals that he used to go to her parents. The applicant and the relatives were explained. Till her death, there were no reports against the applicants. Immediately after knowing the disappearance of the deceased, her husband informed her parents. The parents were also searching for her. The material investigation is

over. In that view of matter, the application deserves to be allowed.

Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, (1) Mahadeo @ Vishwanath S/o. Bhimrao Sargude (2) Navnath s/o. Mahadeo Sargude and (3) Sambhaji s/o. Mahadeo Sargude, be released on bail on executing P.B. and S.B. of Rs.20,000/- (Rupees Twenty Thousand) each with one surety in the like amount in connection with Crime No.102/2022, registered at Amalner Police Station, District Beed for the offences punishable under Sections 306, 498-A, 323 read with Section 34 of the Indian Penal Code on the condition that they shall attend the police station as and when called.
- (iii) Criminal Application No.3546 of 2022 is allowed.

(S.G. MEHARE, J.)