

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

**19 BAIL APPLICATION NO.1434 OF 2021
WITH APPLN/2904/2021 IN BA/1434/2021**

1. Pema S/o. Lalu Aade
Age : 65 years, Occ. Agri.
R/o. At Post Lonwala Tanda,
Tq. Wadwani, Dist. Beed
2. Rameshwar S/o Pema Aade
Age : 33 years, Occ. Agri/Driver,
R/o as above. ... APPLICANTS

VERSUS

The State of Maharashtra
Through Police Inspector,
Police Station, Dindrud, Dist. Beed. ... RESPONDENT

Shri.S. S. Thombre, Advocate for the applicant
Shri. S. B. Narwade, APP for the respondent/State
Shri. A. V. Lavte, Advocate for the informant

**CORAM : M. G. SEWLIKAR, J.
DATED : 17th January, 2022**

PER COURT :-

1. Heard.
2. As per the allegations made in the FIR, deceased Shivkanya was the daughter of the informant. She was married to accused Dnyaneshwar Pema Aade on 11th August,

2020. Dowry of Rs.3,50,000/- was left to be paid. After one month of the marriage, applicant No. 1 (the father-in-law of the deceased), applicant No. 2 (the mother-in-law of the deceased) and other accused started demanding remaining amount of Rs.3,50,000/- towards dowry. Deceased Shivkanya used to tell the informant, his son, wife about their illtreatment. About one month before the incident brother of the informant by the name of Vishvanath Rathod had been to the matrimonial place of deceased Shivkanya and tried to convince the applicants and other accused. Still their illtreatment continued. On 1st July, 2021 informant and one of his distant relatives by the name of Namdeo Walu Rathod had been to the matrimonial place of the deceased Shivkanya and paid Rs. 2 lakhs. At that time applicant No. 2, elder brother-in-law Rameshwar Aade and husband Dnyaneshwar Aade demanded remaining amount of Rs.1,50,000/-. Accused Dnyaneshwar Aade demanded one motorcycle.

3. It is further alleged that on 22nd July, 2021 at

about 4.00 p.m. accused Dnyaneshwar Pema Aade informed on phone to the informant that deceased Shivkanya had fallen into a well. On these allegations FIR came to be lodged. On the basis of which offence under Sections 304-B, 498-A, 323, 504 read with Section 34 of the Indian Penal Code vide Crime No. 157 of 2021 came to be registered.

4. Learned counsel Shri. Thombre for the applicants submits that all the allegations against the applicants are general in nature. No specific allegation is made against any of them. All the other accused including the husband of the deceased Shivkanya have been released on bail. On the ground of parity also he seeks release of these two applicants on bail.

5. Learned counsel Shri. Lavte for the informant and learned APP Shri. Narwade for the respondent/State submit that sister of the deceased Shivkanya by the name of Surekha has stated that on 21st July, 2021 she had been to the matrimonial home of Shivkanya. In that night she

witnessed that husband of Shivkanya, her mother-in-law, father-in-law, co-sister and elder brother-in-law demanded remaining dowry and passed sarcastic remarks at her on that count and they also assaulted her.

6. Charge-sheet is filed. Allegations made against the applicants are general in nature. No specific act is attributed to any of the applicants. Surekha Baburao Rathod (sister of the deceased) has vaguely stated that husband of Shivkanya, her mother-in-law, father-in-law, elder brother-in-law and co-sister started passing sarcastic remarks at her on account of remaining amount of dowry. Since charge-sheet is filed and no extra ordinary circumstance is brought on record to deny bail to the applicants and no criminal antecedents are against the applicants, I am inclined to release the applicants on bail. Hence the order.

ORDER

1. Application is allowed.
2. Each of the applicants be released on bail on their furnishing PR bond of Rs. 40,000/- (Rupees Forty Thousand

only) with one solvent surety in the like amount in connection with CR No. 157 of 2021 under Sections 304-B, 498-A, 323, 504 read with Section 34 of the Indian Penal Code registered with Dindrud Police Station, Dist. Beed, on condition that they shall not tamper the prosecution evidence.

3. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

4. Application is disposed of.

5. Pending application, if any, stands disposed of.

[M. G. SEWLIKAR, J.]

ssp