

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1397 OF 2021

RAMKRUSHNA @ VICKY S/O SHIVDAS LIMBALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicants : Mr. P. P. More
APP for Respondent-State : Mr. V. M. Kagne
Advocate for Assist to APP : Mr. V. M. Kagne
.....

**WITH
CRIMINAL APPLICATION NO.105 OF 2022
IN ABA/1397/2021**

KAMALBAI W/O SURESH WADE
VERSUS
RAMKRUSHNA @ VICKY S/O SHIVDAS LIMBALE AND OTHERS

.....
Advocate for applicant : Mr. M. V. Ghatge
Advocate for Respondents : Mr. P. P. More
APP for Respondent-State : Mr. V. M. Kagne
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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 11-01-2022

ORDER :

1. Criminal Application No.105 of 2022 has been filed for assist to learned APP. The said application is allowed and disposed of.
2. At the outset, it will not be out of place to mention here that after the submissions were heard in ABA No.1397 of 2021, when

disinclination is shown to grant any relief to applicant No.1, learned Advocate for applicant No.1 prayed for withdrawal of the application as against him. There is no hurdle in granting the same. Hence, the application stands disposed of as against applicant No.1 as withdrawn.

3. The applicants in Anticipatory Bail Application No.1397 of 2021 are apprehending their arrest in connection with Crime No.275 of 2021, registered with Vazirabad Police Station, District Nanded, for the offences punishable under Section 304-B, 506 read with 34 of the Indian Penal Code.

4. Heard learned Advocate Mr. P. P. More for applicants, learned APP Mr. V. M. Kagne for respondent No.1-State.

5. It has been vehemently submitted on behalf of the applicants that applicant No.1 is the husband of the deceased. Applicants No.2 and 3 are the parents-in-law and applicant No.4 is sister-in-law of the deceased. The sister-in-law was married prior to the marriage between the applicant No.1 and the deceased. Marriage of deceased Sonam took place with applicant No.1 about five years prior to 05-08-2021 i.e. date of First Information Report. It is contended that

initially she was treated properly, however, after 15 days of marriage, the accused persons called him to the house of sister-in-law and told that since they have incurred huge amount for the marriage, they should give dowry otherwise they will not allow the girl to cohabit. It is not mentioned in the First Information Report as to how much amount was demanded as dowry. The informant then says that the in-laws as well as husband were harassing the deceased and she used to communicate the same whenever she uses to come to the house of informant. Thereafter, she gave birth to son after about one and half years of marriage. Now his age is three years. Whenever the deceased used to come to the informant's house, he used to convey that she is being harassed and if she was not showing inclination to join applicant No.1, she was threatened and threat was also given that her brother and mother would be killed. The applicants started construction of house and demanded amount for construction and, therefore, the informant who is the mother of the deceased gave amount of Rs.70,000/- and Rs.50,000/- on two occasions. Thereafter, they got knowledge that the informant has received amount of Rs.5,00,000/- after sale of her house; the applicants started demanding more amount as dowry. The informant thereafter states that the deceased left Ahmedpur

District Latur early in the morning and reached Nanded around 09.30 on 05-08-2021. She did not go to the house of informant, however, purchased new notebook and pen and had written chit. She had also given the mobile phone number of her husband as well as brother and, thereafter, she jumped into river Godwari and thereby committed suicide. On the same day, the First Information Report has been lodged.

6. It has been submitted by the learned Advocate for the applicant that it is not made clear in the First Information Report as to how the informant got knowledge about commission of suicide by the deceased and also the fact that she had purchased new notebook and pen. It all appears to be fishing. Further, it was a stand taken by the applicants before the Additional Sessions Judge also that in fact there was a dispute between the informant and the deceased as deceased had left by saying to the applicants that she would be going to meet her sister who has been admitted in hospital at Nanded for Dengue. She had not taken her son along with her at that time. Therefore, there was no question of instigation by them to the deceased to commit suicide. Physical custody of the applicants is not required as nothing is required to be recovered

from them.

7. Per contra, the learned APP Mr. V. M. Kagne well assisted by learned Advocate Mr. M. V. Ghatge vehemently submitted that it was because of the applicants' harassment, deceased Sonam has committed suicide. There is evidence to the effect that amount of Rs.70,000/- as well as Rs.50,000/- were given to the applicants for the construction of house which was after the harassment given to the deceased. Deceased had also approached family counseling Center at Nanded by giving application on 19-04-2017 that her husband is harassing her mentally and physically. She was residing with her mother at that time and, therefore, she had urged the counselor to resolve the dispute. Death of Sonam is within seven years of the marriage and it is under unnatural circumstance. Therefore, investigation is definitely required to be done which is in progress for which the physical custody of the applicants is necessary.

8. As aforesaid, this Court was not inclined to grant any relief to the husband i.e. applicant No.1. Therefore, now the application is considered only in respect of the other applicants. As regards married sister-in-law is concerned, she is admittedly got married

prior to the marriage of deceased and applicant No.1 and she is residing separately with her family members. Perusal of the First Information Report would show that her role was limited to the extent that she had allegedly accompanied the other accused persons when meeting was held in the house of another sister who stays at Hingoli Naka. Further, as regards the complaint made by the deceased to marriage counselor on 19-04-2017, she has restricted it to her husband and no allegations are made against the in-laws. No doubt there are certain other mysteries to be solved by the Investigating Officer as to exactly when deceased had left from Ahmedpur, when she reached Nanded, from where she had purchased the notebook and pen, and also to get the handwriting on that document compared with the admitted writing of the deceased. For all these purposes, the physical custody of the other applicants is not necessary. Therefore, they deserve to be released on bail. Condition can be imposed for applicant No.2 who is the male member to attend the Police Station and co-operate with the investigation. Hence, the following order.

ORDER

- 1) Criminal Application No.105 of 2022 filed for assist to learned APP is allowed and disposed of.

2) ABA No.1397 of 2021 stands disposed of as against applicant No.1 as withdrawn.

3) ABA No.1397 of 2021 stands allowed in respect of applicants No.2 Shivdas s/o Narayan Limbale, No.3 Lalita w/o Shivdas Limbale and No.4 Varsha w/o Laxman Wade. In the event of arrest of applicants No.2 to 4 in connection with Crime No.275 of 2021, registered with Vazirabad Police Station, District Nanded, for the offences punishable under Section 304-B, 506 read with 34 of the Indian Penal Code, they be released on P.R. of Rs.30,000/- each (thirty thousand) and S.B. of Rs.15,000/- each (fifteen thousand).

4) The applicants shall not indulge in any criminal activity nor they shall tamper with the evidence of the prosecution.

5) Applicant No.2 Shivdas s/o Naryaan Limbale who is the male member, to attend the Vazirabad Police Station on every Sunday in between 10.00 a.m. to 01.00 p.m., and co-operate with the investigation.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-