

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.28 OF 2023

Komal @ Tirumala D/O. Maroti Devkatte
@ Komal @ Tirumala W/O. Prashant Mhaske
And Others

...Applicants

Versus

The State Of Maharashtra & Another

...Respondents

Ms. Poonam Bodke Patil, Advocate for applicants.
Mr. A.V. Deshmukh, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th FEBRUARY, 2023

ORDER :

1. Applicants apprehend arrest in Crime No. 272/2022, registered with Himayatnagar Police Station, Nanded, for offence under sections 304-B, 498-A read with 34 of the Indian Penal Code and under section 4 of Dowry Prohibition Act.

2. FIR is lodged by Shivaji Mhaske alleging that his daughter Monika was married with Laxman Devkate resident of Waranga Takali, Taluka- Himayatnagar, on 28.05.2022. In the marriage, some dowry amount was paid and some dowry remained to be paid. Monika was treated well for initial two months and thereafter her in-laws started ill treating her for

remaining amount of dowry. Monika used to tell her parents that her in-laws were ill treating her. They were not allowing her to take food with them and she was made to eat remaining food. She was not given adequate food. She was made to do agricultural work etc. In October-2022, at the time of Diwali festival Monika told her mother that her sister-in-law Komal used to quarrel with her. Her brother-in-law's wife Pooja used to instigate Monika's mother-in-law and she used to make Monika fill water at night. Cousin father-in-law Tanaji Devkate also used to instigate Monika's mother-in-law to demand remaining amount of dowry. His wife Radhabai used to say that if they do not give money then Monika will be divorced.

On 01.12.2022, at about 10.30 pm, informant received a phone call that Monika is admitted in the hospital. Then in the second call they were asked to come to Waranga Takali. On reaching Waranga Takali at about 3.00 am, they saw dead body of Monika was kept outside the house. They also saw dupatta was tied to the roof of house of the accused.

3. Heard the learned advocate for the applicants and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. Husband of Monika namely Laxman, father-in-law Maroti Devkate and mother-in-law Laxmibai Devkate are arrested.

5. Applicant No. 1 is married sister-in-law who stays at far distance in Satara district. She has recently delivered a child. Applicant No. 2 is the brother-in-law, applicant no. 3 is his wife, applicant No. 4 is cousin father-in-law and applicant No. 5 is his wife. They all are residing separately.

6. There are general allegations of ill treatment levelled against the applicants. Prima facie, there does not appear any material showing involvement of applicants in the alleged offence. Nothing is to be recovered from the applicants. In the facts of the present case, pre-trial custodial detention of the applicants is not necessary. In the result, application is allowed.

7. In the event of arrest of applicants in connection with Crime No. 272/2022, registered with Himayatnagar Police Station, Nanded, for offence under sections 304-B, 498-A read with 34 of the Indian Penal Code and under section 4 of Dowry Prohibition Act, applicants shall be released on executing

personal bond of Rs. 15,000/- each with one surety in the like amount.

8. Till filing of charge sheet, applicants shall attend the concerned police station as and when called by investigation officer. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]