

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

BAIL APPLICATION NO.316 OF 2023

1. Manik Rambhau Hinge
2. Bhagwan Rambhau Hinge ...Applicants

Versus

The State of Maharashtra ...Respondent

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Advocate for Applicants : Mr. Kadam Vikram S.

APP for Respondent/State : Mr. S.B. Narwade

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CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 28, 2023

PER COURT:-

1. Heard the learned counsel for the applicants and learned APP for the State.
2. There are no allegations against the husband for demand of dowry. The prosecution has a case that applicant no.2, brother-in-law of the deceased was asking the deceased to bring Rs. 2 lacs for the marriage of his daughter. Hence, she was harassed. Due to the harassment, she consumed the poisonous substance and finished her life in the house of her husband.
3. The applicant no.2 has a case that the deceased, her husband and his family members were residing separate. The applicant no.1 is his step brother. In support of his contention, he

relied on the documents i.e. partition deed and extract of Namuna 8. Nothing is to be recovered from them.

4. Learned APP has opposed the application contending that the deceased died within seven years; hence, presumption is against the applicants. The evidence as regards their separate residence is not satisfactory. The offence is serious; hence, the application may not be allowed.

5. Perused the papers placed before the Court. Considering the allegations levelled against applicant no.2 and their separate residence, there appears substance in the arguments of the learned counsel for the applicants. The applicants have a story that the deceased was suffering from epilepsy and could not conceive, therefore, she was disturbed and consumed the poisonous substance. Be that as it may, considering the nature of the offence, nothing is to be recovered from the applicants. They did not flee away from the spot of the incident. Considering their conduct and the facts of the case, the application deserves to be allowed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, Manik Rambhau Hinge and Bhagwan Rambhau Hinge, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) each with one solvent surety in the like

amount in connection with Crime No.5 of 2023, registered with Sailu Police Station, District Parbhani for the offence punishable under Section 304-B, 498-A read with 34 of the Indian Penal Code, on the conditions that they shall not tamper with the prosecution witnesses.

(iii) The applicants shall attend the concerned police station as and when called by the investigating officer on written notice, till filing of the charge sheet.

(S.G. MEHARE, J.)