

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

**BAIL APPLICATION NO.436 OF 2023
WITH APPLN/1197/2023 IN BA/436/2023**

ASHOK BABAN SHELKE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Ms. V.S. Ghanekar i/b Mr. N.S. Ghanekar
APP for Respondent/State : Mr. S.B. Narwade
Advocate for Complainant : Mr. Rohit P. Patwardhan h/f Mr. Satej S.
Jadhav

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CORAM : S.G. MEHARE, J.

DATED : MARCH 29, 2023

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.
2. In an unfortunate incident, the deceased ended her life within two years of her marriage. After committing the suicide, the report was lodged making allegations that the applicants were demanding Rs.2 lacs to her parents for purchasing a tractor. She committed suicide in the field.
3. The applicants have a case that there were dispute on trifle grounds in the family. Therefore, the deceased took a drastic step without considering the future of a small child. Her parents were not financially sound to pay such a huge amount. The applicants are also poor having 1 and ½ acre of land only. There are no allegations

that soon before death, she was harassed for the demand of dowry. Earlier to the present incident, there were no reports against the applicants. Nothing is to be recovered from the applicants. Hence, they deserve bail.

4. Learned counsel for the complainant and learned APP would argue that the death is within seven years; hence, presumption under Section 304-B of the Indian Penal Code would attract. The deceased was harassed for demand of dowry. The offence is serious. The mother-in-law has been granted bail only to take care of a small child of the deceased. In the circumstances, the applicants do not deserve bail.

5. The FIR reveals that the deceased never complained of ill-treatment till she committed suicide. She had delivered a female baby child. The FIR does not reveal that she was allegedly ill-treated or harassed for demand of dowry soon before her death. Admittedly, the parents and in laws of the deceased were not financially sound. Therefore, the case of the applicants appear probable. No purpose would be served by keeping the applicants behind bar. Hence, they deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, Ashok Baban Shelke and Baban Gulab Shelke, be released on bail on executing PB. and S.B. of Rs.50,000/- (Rupees

(3)

fifty thousand) each with one solvent surety in the like amount in connection with Crime No.27 of 2023, registered with Chaklamba Police Station, District Beed for the offence punishable under Section 306, 4998-A, 504 r/w 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 on written notice by the investigating officer, till filing the charge sheet.

(iv) Criminal Application No.1197 of 2023 stands disposed of.

(S.G. MEHARE, J.)