

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

938 BAIL APPLICATION NO.792 OF 2023

1. LAXMAN MAROTI DEVKATTE
2. MAROTI CHIMNAJI DEVKATTE
3. LAKSHMIBAI MAROTI DEVKATTE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Ms. Bodke Patil Poonam V.
APP for Respondent-State : Ms. V. N. Patil-Jadhav.
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CORAM : S. G. MEHARE, J.
DATE : 13.06.2023

PER COURT :-

1. After hearing the learned counsel for the applicants and learned APP for the respondent-State, the Court expressed disinclination to grant bail to applicant No.1 - **LAXMAN MAROTI DEVKATTE**/husband. Learned counsel for the applicant, on instructions, seeks leave to withdraw his application. Leave granted. Bail application of applicant No.1/husband stands dismissed as withdrawn.

2. The applicants are seeking bail in Crime No.272 of 2022, registered at Himayatnagar Police Station, District Nanded, for the offences punishable under Sections 498-A, 304-B read with

Section 34 of the IPC and Section 4 of the Dowry Prohibition Act, 1961.

3. It is the case of death of a newly married woman within a short span of marriage. It has been alleged that the deceased was ill treated for demand of dowry of Rs.5,00,000/- for completing the construction of the house. It has also been alleged that the applicants and the husband of the deceased were not allowing the deceased to go to her parents home. The other relatives were also harassing her. Lastly, the relatives of the deceased took her to her village. It is alleged that the husband and in-laws were demanding remaining amount of dowry and Rs.5,00,000/- more to complete their under construction house. The husband went to fetch her back and brought her to home. However, when he fetched her back, he had instructed her parents to make an arrangement for the amount within 4 to 8 days.

4. The papers reveal that the active role was played by the husband and he made a direct demand to his in-laws, when he fetched his wife/deceased back. Thereafter, within a short span, she committed suicide in her matrimonial house by hanging. Considering the role attributed to the in-laws, it appears that it was a dispute between the husband and wife.

The deceased was fully under the control of her husband. The in-laws were residing together. They are old aged persons. Nothing is to be recovered from them. Hence, they deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is partly allowed.
- (ii) Applicant Nos. **2. MAROTI CHIMNAJI DEVKATTE** and **3. LAKSHMIBAI MAROTI DEVKATTE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of the like amount each, in Crime No.272 of 2022, registered at Himayatnagar Police Station, District Nanded, for the offences punishable under Sections 498-A, 304-B read with Section 34 of the IPC and Section 4 of the Dowry Prohibition Act, 1961, on the condition that they shall attend the trial on each and every effective date.

(S. G. MEHARE, J.)

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vmk/-