

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

ANTICIPATORY BAIL APPLICATION NO.923 OF 2023

**BALU PRABHAKAR SONSALE
VERSUS
THE STATE OF MAHARASHTRA**

Mr. N. R. Thorat, Advocate for the applicant
Mrs. G. L. Deshpande, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 25th JULY, 2023

P.C. :-

1. Heard.
2. Applicant apprehends arrest in connection with Crime No. 20/2023 registered with Patoda Police Station, Dist. Beed for the offences punishable under Sections 498-A, 304-b, 306, 323, 504 r/w 34 of the Indian Penal Code.
3. Informant is brother of deceased. Deceased was married to the present applicant prior to 12 years. They have one son and daughter out of the wedlock. It is alleged that her husband and in-laws used to cause harassment to the deceased for bringing Rs. 3 lakhs for construction and also for purchase of goats. On 15th February, 2023 deceased committed suicide by hanging herself to the tree.

4. Learned counsel for the applicant states that there are no particulars given as to when the alleged demand of dowry was made and harassment was caused to the deceased. It is further submitted that with regard to the allegations in the first information report, it cannot be held that the applicant is responsible for the act of commission of suicide by wife.

5. Learned APP opposed the application by referring to the statement recorded by the Investigating Agency during the course of investigation.

6. Perusal of the first information report shows that the marriage between applicant and deceased was performed 12 years back. The first information report as well as the statements of the parents of the deceased do not show any particulars as to when the harassment was caused to the deceased and demand of dowry made by them. Except for the statements of these the close relatives of the deceased no other statement is recorded during the course of investigation. The neighbours staying nearby the matrimonial home of the deceased would have been the best witnesses in order to ascertain as to whether the deceased was harassed by her husband and in laws. Merely because a report is lodged immediately after the death of deceased it cannot be

presumed that it is a case of demand of dowry as well as the harassment caused to the deceased by her husband. In such circumstances, liberty of the applicant needs to be protected. Hence the application is allowed in terms of interim order dated 4th July, 2023.

(R. M. JOSHI, J.)

ssp