

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

BAIL APPLICATION NO.1050 OF 2023

**BANUBAI W/O ROHIDAS MALCHE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Deshpande Chaitanya Chandrakant
APP for Respondent/State : Mr. K.S. Patil

...
CORAM : S.G. MEHARE, J.

DATED : JULY 10, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in Crime No.103 of 2023 registered with Nijampur Police Station, District Dhule for the offence punishable under Section 306, 498-A, 34 of the Indian Penal Code.
3. The applicant is the mother-in-law of the deceased. It has been alleged that the applicant, her husband and son were raising suspicion over the character and chastity of the deceased and on that count, she was ill-treated. She had delivered a child. She was died of hanging.
4. Learned counsel for the applicant would submit that the deceased was well treated but she had some doubts about the family members. The allegations are false. Nothing is to be recovered from the applicant. Hence, she may be granted bail.

5. Learned APP has strongly opposed the application. He would submit that the offence is *prima facie* serious. The legal presumption is against the applicant as she died within seven years of her marriage. Considering the gravity of the offence, she may not be granted bail.

6. Perused the papers. The allegations against the applicant and her family were that they were having suspicion over the character of the deceased. After delivery she was brought to their house. Suddenly, she hanged herself in the house. Considering the allegations and the incident, the Court is of the view that further custody of the applicant would serve no purpose. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Banubai w/o Rohidas Malche, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that she shall not tamper with the prosecution witnesses and shall attend the concerned police station as and when called on written notice by the investigating officer, till filing the charge sheet.

(S.G. MEHARE, J.)