

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

BAIL APPLICATION NO.1521 OF 2023

**RAVINDRA SHESHERAO SALVE
VERSUS
THE STATE OF MAHARASHTRA**

**WITH
BAIL APPLICATION NO.1283 OF 2023**

**SHILA ASHOK GHANGHAV
VERSUS
THE STATE OF MAHARASHTRA**

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**Advocate for Applicants : Mr. B.S. Bhale & Mr. M.D. Wagh
APP for Respondent/State : Mr. K.S. Patil**

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CORAM : S.G. MEHARE, J.

DATED : SEPTEMBER 04, 2023

PER COURT:-

1. Not on board. Taken on board, as the matter was not listed though the circulation was granted.
2. Heard learned counsel for the applicants and learned APP for the State.
3. The applicants are seeking bail in Crime No.112 of 2023 registered with Osmanpura Police Station, District Aurangabad for the offences punishable under Sections 304-B, 498-A r/w 34 of the Indian Penal Code and Section 3 and 4 of Dowry Prohibition Act.
4. Learned counsel for the applicants would submit that the deceased had a love marriage with the son of applicant – Shila. The

family of the deceased were opposing their marriage. They did not take her care; hence, her delivery was also done by her. The parents of the deceased were harassing her. Hence, perhaps she might have committed suicide. Since there were no contacts with the family of her parents, there is no question to demand any dowry. The deceased was happy with them but the continuous torture by her parents compelled her to commit the suicide. Applicant – Ravindra is the maternal uncle of the husband of the deceased. He has no role to play, but only he being the maternal uncle who had played a role in performing the marriage, has been arraigned as an accused. They are languishing in jail for last two months. Nothing has been recovered and nothing is to be recovered from them. General allegations have been made to make the offence serious. The applicant – Shila is serving in Municipal Corporation on contract basis. A three months baby child of the deceased is with the family of applicant – Shila. Nobody is there to take care of a child. She is the best person to take care of a child. Hence, they may be released on bail.

5. Per contra, the learned APP would submit there are direct allegations against mother-in-law, Shila. There was no reason for the deceased to commit suicide within a year of her marriage. Specific allegations have been levelled against the applicants. Since the offences are serious, it would not be safe to grant them bail.

6. Perused the charge sheet. General allegations that the deceased was treated well for about 15 days of her marriage and then the ill-treatment started have been levelled against the applicants. It is a case of suicide by a newly married women in the house of her husband. There was no suicide note. It is not in dispute that the deceased performed the love marriage with the son of applicant – Shila. There are no allegations of use of deadly weapon in the crime. Considering the allegations, the applicant – Ravindra appears to have a good case on merit. The applicant – Shila is 42 years old and a servant of Municipal Corporation. Hence, there is no possibility of their abscondence. The trial may take its time. Keeping in mind the entire facts of the case and the completion of trial, the Court is of the view that keeping the applicants behind bar for uncertain period would serve no purpose. However, to secure their presence, certain conditions may be imposed. Hence, the following order :

ORDER

- (i) Both Bail Applications are allowed.
- (ii) The applicants, Ravindra Shesherao Salve in Bail Application No.1521 of 2023 and Shila Ashok Ghanghav in Bail Application No.1283 of 2023, 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 each in connection with the above crime, on the conditions that they shall not tamper with the prosecution witnesses.

(4)

- (iii) The applicants shall attend the trial on each effective date.
- (iv) The applicants shall not try to protract the trial for creating grounds to the co-accused that there was delay in trial.

(S.G. MEHARE, J.)