

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

39 BAIL APPLICATION NO.1390 OF 2023

VIMAL RAJENDRA SURADKAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Karan Ashok Gaikwad
APP for Respondent: Mr. K.S. Patil

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: August 28, 2023

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PER COURT :-

1. The applicant is seeking regular bail in connection with Crime No.168 of 2023 registered with Jawahar Nagar Police Station, Aurangabad dated 3.7.2023 for the offences punishable under sections 306, 304-B, 498-A, 323, 504, r/w 34 of IPC. Investigation is set in motion on the basis of the information given by one Manoj Pardhe. It is alleged that sister of the informant was married with accused no.1 Vikram in the month of January 2020. Since then she was residing in the joint family consisting of the husband, mother-in-law, brother-in-law and father-in-law. According to the informant, initially for one year, his sister was treated well. However, thereafter on account of demand of the amount for establishment of the shop, she was ill-treated by the accused persons and, therefore, she has ended her life by strangulating herself.

2. The applicant is the mother-in-law of the deceased. She had submitted an application for grant of regular bail before the Sessions Court, which came to be rejected vide order dated 19.7.2023.

3. Learned advocate appearing for the applicant would submit that the applicant is behind bar since 3.7.2023. Allegations in the FIR are general in nature. No specific instance regarding ill-treatment are made out. He would submit that there is nothing to indicate that there was demand of dowry as defined under the provisions of Dowry Prohibition Act. The applicant is a lady aged about 45 years. Investigation is under progress and it is at the stage of conclusion.

4. Learned A.PP Mr. Patil strongly opposes the prayers. He submits that the deceased lost her life within three years of the marriage. There is presumption under section 113-B of the Evidence Act. Offence is serious. The applicant may not be released on bail.

5. Having considered the submissions advanced, apparently, the allegations regarding demand of dowry are vague in nature. No specific instances or particulars of cruelty are given in the FIR. Whether the deceased was harassed soon before her death is not indicated in the FIR. Investigation in the matter is almost complete. The applicant is a lady. No purpose would be served by further detaining her in jail. The case is made out for grant of bail. Hence, the order.

ORDER

- I. Criminal Bail Application is hereby allowed.
- II. The applicant Vimal Rajendra Suradkar be released on bail in connection with Crime No.168 of 2023 registered with Jawahar Nagar Police Station, Aurangabad on 3.7.2023 for the offences punishable under sections 306, 304-B, 498-A, 323, 504, r/w 34 of IPC on furnishing P.R. bond in the sum of Rs.50,000/- (Rs. Fifty Thousand) with one surety of the like amount on the following conditions :-
 - a] The applicant shall not tamper with the prosecution evidence in any manner.
 - d] The applicant shall attend the trial on every date.
- III. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR J.)

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