

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

BAIL APPLICATION NO. 1555 OF 2023

1. Sangitabai Trimbak Moin

2. Trimbak Chhagan Moin

... Applicants

Versus

The State of Maharashtra

... Respondent

...

Mr. N. S. Ghanekar, Advocate for the Applicants

Mr. K. S. Patil, APP for the Respondent/State

...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 14.09.2023

PER COURT :

1. Heard the learned Advocate for the applicants and learned APP for the respondent/State.
2. By this application, the applicants seek regular bail in connection with Crime No.192/2023 registered with Virgaon Police Station, Dist. Aurangabad for the offences punishable under 498-A, 304-B, 306, 323, 504 and 506 r/w Section 34 of Indian Penal Code [for short 'IPC'].
3. The investigation was set in motion on the basis of the information given by one Baban Kisan Thombre, wherein, he states that, his daughter married with accused no.1, namely,

Ritesh Trimbak. After marriage, she was treated well during the first year. Thereafter, her in-laws were ill-treating her or mentally tortured her for the reasons that at the marriage, the valuable gifts are not offered by her parents. It is alleged that on 25/07/2023, when the informant had been to the matrimonial house of his daughter, accused no.1 was not at home. The present applicants i.e. mother-in-law and father-in-law demanded Rs.5,00,000/- for purchase of a new tractor. The informant shown his inability to pay such amount to which they strongly replied and used insulting words against the informant. It is further alleged that on 08/08/2023, he received a phone call from accused no.1 that his daughter is not traceable. Thereafter, a search was taken and her body was located in a well. Therefore, he alleges that the accused persons are responsible for the death of his daughter. On the basis of aforesaid information, crime has been registered. The applicants are arrested on 09/08/2023. The accused nos.4 and 5 i.e. sister and maternal uncle of accused no.1 are already released on bail. The plea of the applicants for grant of bail has been rejected by the Sessions Judge, Vijapur vide order dated 24/08/2023.

4. Mr. Ghanekar, learned Advocate appearing for the applicants would submit that the applicants are behind the bars for more than one month. The investigation in the matter is practically over since the statements of the relatives are recorded. He would submit that the statement of the informant nowhere depicts that at the time of marriage, any dowry was fixed/agreed. He would point out that even for the first year after the marriage,

there is no allegation of any demand. On the other hand, the deceased has been treated well. He would point out that first time in the year 2023, the allegation is made that she was mentally tortured on account of non offering of gifts during the marriage. He would submit that the demand for purchase of tractor is surfaced in the month of July-2023. The last conversation between the informant and the deceased is stated to be on 21/07/2023 whereas the deceased found dead on 08/08/2023. Therefore, the ingredients of dowry death are not present. Even there is nothing on record to show that soon before the death, the deceased was subjected to cruelty. He would therefore urge to release the applicants on bail.

5. Per contra, learned APP opposes the application. He would submit that there are specific allegations in the FIR that the applicants demanded Rs.5,00,000/- for purchase of a new tractor and insulted the deceased as well as the informant in pursuance of such demand. He would further submit that the statement of witnesses recorded during the course of investigation supports the contents of FIR. Therefore, prima facie, there is case against the applicants. Hence, he urge to reject the application.
6. Having considered the submissions advanced, apparently, the applicants are behind the bars for more than one month. The contents of FIR clearly depict that at the time of marriage, there was no demand of dowry or even for first two years of the marriage, there are no allegations of any ill-treatment against the deceased in pursuance of such demand. The FIR shows that first

time in the month of July-2023, the amount of Rs.5,00,000/- was demanded for purchase of the tractor. Even assuming the aforesaid averments to be true and correct, it is difficult to hold that it would fall within the meaning of dowry. The last conversation between the deceased and the informant is dated 25/07/2023. There is nothing to indicate that soon before the death, the deceased was subjected to cruelty. The allegations regarding the cruelty are omnibus. No particulars are appearing in the FIR. On prima facie consideration of the material on record, the case is made for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, namely, (1) Sangitabai Trimbak Moin and (2) Trimbak Chhagan Moin be released on bail in connection with Crime No.192/2023 registered with Virgaon Police Station, Dist. Aurangabad for the offences punishable under 498-A, 304-B, 306, 323, 504 and 506 r/w Section 34 of IPC on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) each on the following conditions:
 - a) The applicant shall not tamper with the prosecution evidence in any manner.
 - b) They shall not establish the contact with any witnesses in subject matter.
 - c) They shall attend the concerned Police Station once in a week i.e. on every Monday between 10:00 am to 2:00 pm, till filing of charge-sheet.

d) They shall co-operate with the investigation.

(iii) Bail Application is disposed of accordingly.

[S. G. CHAPALGAONKAR]
JUDGE

Sameer