

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2813 OF 2022**

SHARADA
RANGNATH
WAHULE

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Sonu @ Pandurang Raju Kamble and AnrApplicants

Versus

The State of Maharashtra ...Respondent

Ms. Vilasini Ballsubramanium i/by Mr. Jaydeep D. Mane , Advocate
for the Applicants.

Mr. Y. Y. Dabke, APP for Respondent-State.

Mr. Rahul Shinde for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th SEPTEMBER, 2023.

P.C. :

1. By this Application, Applicants are seeking bail in Crime No.429 of 2022 registered with Mohol Police Station, Solapur, for the offence punishable under Sections 498 (A), 306, 376(2)(n) and , 504 read with 34 of Indian Penal Code, Sections 4, 8 and 12 of Protection of Children from Sexual Offences Act and Sections 9, 10 and 11 of Child Marriage Restrain Act.

2. It is the prosecution case that the Applicant No.1 and deceased had love affair, they ran away from their respective homes and

This order is corrected as per speaking to the minutes to the order dated 26th September, 2023.

performed marriage. Thereafter, the complainant accepted the said love marriage. It is alleged that the deceased was properly treated by Applicants for one year. Thereafter, Applicant No.1 and Applicant No.2 - mother in law of deceased started demanding money from the deceased for construction of house. They would ask her to bring money from her mother i.e complainant and for that reason, they used to mentally harass her. It is alleged that due to their continuous mental harassment and physical torture, deceased consumed poison on 9th May, 2022 and died on 10th May, 2022. On the complaint of complainant, offences are registered against the Applicants.

3. It is contention of learned counsel for Applicants that there is delay of seven days for filing the complaint. Learned counsel further submitted that statements of eye witnesses who are neighbours of the deceased show that there was no quarrel between the Applicant and deceased. Learned counsel further submitted that, it is alleged that deceased had consumed poison, due to which, she died but medical report's shows that no poisonous substance was found in the intestine of deceased. Applicants are behind bar for more than one year. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the Application.

4. Learned APP submitted that deceased was minor at the time of her marriage with Applicant No.1. After marriage, Applicant No.1 was not doing any work. He had started demanding amount from complainant. As complainant was doing labour work, she was unable to fulfill the demand of the Applicant. Then, Applicants started causing physical and mental torture to the deceased. On several occasions, the deceased had told the said fact to the complainant. Thereafter, the complainant confronted the Applicants. The Applicants had demanded an amount of Rs.1,50,000/- for construction of house and the said amount was paid by the complainant but thereafter also, Applicants were harassing the deceased and she was fed up with physical and mental torture caused by the Applicants. Hence, she consumed poison and died. Deceased died in the house of Applicants. There is prima facie case against the Applicants. If Applicants are released on bail, they may influence the prosecution witness. Hence, requested to reject the Application.

5. Learned counsel for Respondent No.2 reiterated the submissions of learned APP.

6. I have heard all learned counsel, perused FIR and charge-sheet.

7. Allegations against the Applicants are that they were demanding

the amount for construction of the house from complainant and, on that count, they were physically and mentally torturing the deceased. There is seven day's delay in lodging the complaint. Investigation is completed and charge-sheet has been filed. Applicants are behind bar more than one year. Considering the above facts, further detention of the Applicants is not required.

8. In view of above, I pass following order.

ORDER

(i) The Applicants be released on bail in Crime No. 429 of 2022 registered with Mohol Police Station, Solapur, on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.

(ii) After their release from jail the Applicants shall attend the Mohol Police Station, Solapur, once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) The Applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)