



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

ANTICIPATORY BAIL APPLICATION NO. 409 OF 2024

KAMAL TUKARAM SOLUNKE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Dayanand M. Bhalke, Advocate for Applicants
Mr. S.P. Sonpawale, APP for Respondents/State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 03rd APRIL, 2024

PER COURT :

1. Applicants apprehend arrest in C.R. No.21/2024, registered with Harsul Police Station, Aurangabad, for offence punishable under Sections 304-B, 306, 323, 504, 506 r/w 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. FIR is lodged by Kailas Shankar Pawar alleging that his daughter Komal was married with Sumit Tukaram Salunke, son of applicants, in the year 2020. Dowry of Rs.1,25,000/- was decided at the time of marriage and informant had given Rs.1,00,000/- in the marriage along with gold ornaments. After marriage, initially accused persons treated Komal well. Thereafter they started harassing her to fulfill their demand of money to purchase tractor and get remaining amount of dowry. They used to physically and mentally ill-treat her. After one and half years of marriage accused

No.1 Sumit drove Komal out of their house. She stayed at her maternal house for 10 to 12 days and thereafter accused gave assurance that they will not harass Komal in future. Thereafter Komal was sent back for cohabitation. She became pregnant and gave birth to male child. For delivery she had come to her maternal home and disclosed about ill-treatment meted out to her by accused. On 10/02/2024, uncle of Komal received phone call from applicant No.2 informing that Komal had committed suicide by hanging herself. Informant, therefore, alleged that Komal's suicide is abetted by applicants.

3. Heard learned advocate for applicants and learned APP for respondents/State. Perused the investigation papers.

4. According to applicants they were residing separately from Sumit and Komal, though in the same village. Sumit was arrested on 13/02/2024 and he is in jail. Allegation against applicant *prima facie* appears to be general and vague and nothing is to be recovered from them. Therefore, pre-trial custodial detention of applicants is not necessary for investigation purpose.

5. In the result, application is allowed.

6. In the event of arrest of applicants in connection with C.R. No.21/2024, registered with Harsul Police Station, Aurangabad, for offence punishable under Sections 304-B, 306, 323, 504, 506 r/w

34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961, applicants be released on executing Personal Bond and Surety Bond of Rs.15,000/- each, with one surety in the like amount.

7. Till filing of charge-sheet, applicants shall attend concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)