



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 578 OF 2024

Chandrakant @ Chandrakant Hariram Bharati
VERSUS
The State Of Maharashtra And Another

.....
Mr. A.D. Ostwal, Advocate for Applicant
Mr. Rajdeep D. Raut, APP for Respondents – State
Mr. Manoj U. Shelke, Advocate for Informant
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th OCTOBER, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No.0463 of 2023, registered with AUSA Police Station, Dist. Latur, for offence punishable under Sections 306, 304-B, 498-A, 504 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Radhabai Prakash Giri alleging that her daughter Renuka was married with Siddheshwar Chandrakant Bharati i.e. accused No.1, on 16/05/2023. Accused Nos. 2 and 3 are parents of accused Nos.4 and 5, who are sister-in-laws of Renuka and accused No.6 is sister of accused No.2. Renuka's parents had given Rs.5,51,000/-, in her marriage and 2 Tolas gold and other house hold articles after marriage, as a dowry. On the next day of marriage i.e.

on 17/05/2023, cousin father-in-law of informant died. The said information was given to in-laws of Renuka with request to send her for funeral. The same was turned down. Though informant requested not to perform Satyanarayan Pooja accused No.2 refused the said request and Satyanarayan Pooja was performed and demand of Rs.20,000/- and two gold rings of 5 Grams each was made, the same was complied. Renuka was also not sent on the occasion of Nagpanchami festival, stating that her sister-in-law would be visiting the house. In-laws used to cause physical and mental cruelty and used to starve Renuka. She became pregnant and thereafter accused Nos.4 and 5, her sister-in-laws and accused No.6 aunt of accused No.1, forcibly took her to Vivekanand Hospital, Latur, and performed abortion against her wish. All the accused persons used to harass her by demanding abortion charges of Rs.30,000/-, to be brought from her parents. Thereafter, demand of gold locket of 5 Tolas was raised to parents of Renuka. Renuka committed suicide on 04/11/2023 at about 01:00 p.m. to 01:30 p.m., due to physical and mental cruelty and harassment caused to her by accused persons.

3. Heard learned advocate for applicant, learned APP for respondents-State and learned advocate assisting learned APP. Perused the investigation papers.

4. Learned APP and learned advocate for the informant vehemently opposed the application stating that there are serious allegations levelled in the FIR and presumption under Section 113 of the Indian Evidence Act is available to the prosecution. Since the deceased is expired within 5 ½ months of the marriage, applicant is not entitled for anticipatory bail.

5. Charge-sheet in the present crime is filed on 02.02.2024. Perusal of medical papers as well as statement of doctor who performed abortion indicates that Renuka's abortion was necessary and all the requisite information was given to her and her in-laws. Decision of abortion was taken on the basis of Sonography reports and as per the method selected by Renuka and her in-laws abortion was conducted by way of medical management (by giving tablets). Perusal of said statement reveals that it was necessary to perform abortion.

Accused No.1/husband of the deceased and son of applicant, and accused No.2/wife of applicant i.e. mother-in-law of deceased were arrested. Mother-in-law was granted bail

by the order passed by this Court on 04.07.2024. Other co-accused are granted anticipatory bail.

6. After filing of charge-sheet, case is numbered as Sessions Case No.35/2024. Applicant was granted interim protection and he has co-operated in the investigation. Taking into consideration applicant's old age and ailments suffered by him, his pre-trial custodial detention is not warranted in the facts of the present case. Application is therefore allowed by confirming interim protection granted by this Court vide order dated 16.04.2024.

[NITIN B. SURYAWANSHI]
JUDGE