



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 BAIL APPLICATION NO. 1711 OF 2024

1. VINOD EKNATH KOLHE
2. VIJAYKUMAR EKNATH KOLHE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. More P. P.
APP for Respondents-State : Mr. AAA Khan.

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CORAM : S. G. MEHARE, J.

DATE : 21.10.2024

PER COURT :-

1. Heard the learned counsel for the applicants and learned APP for the respondents-State.
2. The applicants seek bail in Crime No.256 of 2024, registered with Gondli Police Station, District Jalna, for the offences punishable under Sections 85, 80, 352, 3(5) and 115(2) of Bhartiya Nyaya Sanhita.
3. It has been alleged against the applicants that they were ill-treating the deceased for dowry. On 26.07.2024, the in-laws of the deceased had informed her parents that she was not well. Therefore, admitted to Sanjivani Hospital, Jalna. The informant went there. Deceased under treatment, but unconscious. Therefore, she was referred to MGM Hospital,

Aurangabad. Unfortunately, she died on 07.08.2024. Since it was an untimely death of a married daughter, the present crime was registered against the applicants.

4. The learned counsel for the applicants would submit that the deceased was never ill-treated. She was provided with medical treatment immediately when she was not well. The cause of her death was “Bilateral raised cortical echogenicity with pulmonary consolidation”. However, final opinion is reserved. Learned counsel for the applicants would further submit that she had a disease connected with kidney and it was cortical. Since the deceased died within seven (7) years, the false allegations have been levelled against the applicants at the instance of the police. Hence, they may be granted bail.

5. Learned APP has strongly opposed the application. He would submit that it was an unnatural death. The offence is serious. The deceased was ill-treated for demand of dowry. The investigation is in progress. Hence, bail may not be granted.

6. Perused the papers. The conduct of the applicants was natural. Immediately after admitting her to hospital, her parents were informed and then she was shifted to MGM Hospital. That time also, her parents were present.

Considering the cause of death as mentioned above, there is a scope to believe that it may not be a death caused due to the acts of the applicants. There are no allegations of use of weapon. Therefore, they deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Nos.1. **VINOD EKNATH KOLHE** and **2. VJAYKUMAR EKNATH KOLHE** be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of like amount each, on the following conditions :
 - (a) The applicants should not tamper with the prosecution witnesses.
 - (b) They should attend the Police Station as and when called on written notice by the Investigating Officer till filing the charge sheet.

(S. G. MEHARE, J.)

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