



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

**BAIL APPLICATION NO. 1842 OF 2024
WITH CRIMINAL APPLICATION NO. 4204/2024**

1. Nitin s/o Nilkanth @ Baban Chavan
2. Ritu @ Disha d/o Nilkanth @ Baban Chavan
3. Mamta w/o Ankush Subhedar

VERSUS

The State of Maharashtra

Mr. G. G. Kadam, Advocate for the applicants
Mr. D. B. Bhange, APP for the respondent/State
Mr. Abhishek Patil h/f Mr. Omkar Shendkar, Advocate for the informant

AND

BAIL APPLICATION NO. 1966 OF 2024

Ankush s/o Vishnu Subhedar

VERSUS

The State of Maharashtra

Mr. G. G. Kadam, Advocate for the applicant
Mr. D. B. Bhange, APP for the respondent/State
Mr. Abhishek Patil h/f Mr. Omkar Shendkar, Advocate for the informant

CORAM : R. M. JOSHI, J.

DATE : 13th DECEMBER, 2024

PER COURT :-

1. Mr. Abhishek Patil h/f Mr. Omkar Shendkar, learned counsel states that he has instructions to appear on behalf of the informant to

assist the APP.

2. Having regard to the nature of offence, he is permitted to assist the APP.

3. Applicants apprehend arrest in connection with Crime No. 774/2024 registered at M.I.D.C. Waluj Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable under Sections 3(5), 80 of the Bhartiya Nyaya Sanhita, 2023.

4. The first information report indicates that there is allegation against the present applicants that they caused harassment to the deceased for demand of dowry. The marriage between deceased and applicant Nithin was performed in the year 2020. There is allegation that the deceased used to complaint about the harassment being caused by the applicants for demand of dowry and not payment of the same. On 27/08/2024 deceased committed suicide. Hence, offence came to be registered under Section 80 of the Bhartiya Nyaya Sanhita, 2023.

5. Learned counsel for the applicants submits that now investigation is over and charge-sheet is filed and as such the applicants cannot not be kept behind the bar by way of pre trial sentence.

6. Learned APP as well as learned counsel for the informant

opposed grant of bail on the ground that in the previously instituted proceedings by the deceased under Section 498-A of the Indian Penal Code, present applicants used to lodge the said proceeding at remaining absent.

7. Learned counsel for the applicants, on instructions, makes a statement that the applicants would remain present before the Trial Court on each date of hearing unless they are exempted by the Trial Court. This statement is accepted as undertaking.

8. Since the charge-sheet is filed and investigation is over, this Court finds substance in the contention of the learned counsel for the applicants that the applicants cannot not be kept behind the bar by way pre trial punishment. The undertaking given by the learned counsel is accepted. Hence, applications stand allowed in following terms :

ORDER

(i) Applicants in connection with Crime No. 774/2024 registered at M.I.D.C. Waluj Police Station, Dist. Chhatrapati Sambhajnagar for the offences punishable under Sections 3(5), 80 of the Bharatiya Nyaya Sanhita, 2023, they shall be released on bail on furnishing PB and SB of Rs.15,000/- (Rupees Fifteen Thousand only) each with one solvent surety in the like amount each.

(ii) They shall not contact the witnesses directly or indirectly.

(iii) They shall not interfere with the evidence in any manner whatsoever.

(iv) Learned APP to communicate this order forthwith to concerned police station.

9. It is clarified that if the applicants remain absent without seeking exemption from their appearance before the Trial Court, this order shall stand vacated and it would be open for the Trial Court to take the applicants in custody.

10. Parties to act upon authenticated copy this order.

(R. M. JOSHI, J.)

ssp