



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2035 OF 2023

Ashru Chandrabhan Darekar And AnotherApplicants

VERSUS

The State Of MaharashtraRespondent

.....
Mr. R.H. Wagh, Advocate for applicants.
Mr. S.V. Hange, APP for respondent-State.
Mr. S.E. Shekade, Advocate for informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 26th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 875 of 2023, registered with Shrigonda Police Station, Dist. Ahmednagar, for offences punishable under sections 306, 498-A, 323, 504, 506 r/w. 34 of the Indian Penal Code.

2. FIR is lodged by Deepak Kakade alleging that Vaishali was his cousin, she was married with Rahul, son of applicants in the month of April-2019. At the time of marriage, Rs. 55,000/- dowry was paid. After marriage, Vaishali's in-laws treated her well for a period of 1½ year and thereafter they started ill treating her for bringing amount for construction of house. Vaishali's parents paid cash amount of Rs. 2 Lakhs for

construction of house. Thereafter, again her in-laws started ill treating her to bring money from her parents to buy pickup vehicle. On 11.10.2023, Vaishali was sent to her parental house and demand of Rs. 2 Lakhs was raised. At that time, Vaishali disclosed about ill treatment given to her by her in-laws. On 12.10.2023, informant and his uncle (father of Vaishali) dropped Vaishali at her in-laws house and assured her in-laws that they will be arranging Rs. 2 Lakhs as early as possible. On 17.10.2023, Vaishali informed informant and her parents that on that day her husband and in-laws assaulted her with fists and kick blows and threatened to kill her if their demand of money was not fulfilled. Therefore, informant and his uncle went to applicants' house on 18.10.2023 and convinced them that they will be paid requisite amount soon. On 19.10.2023 informant received information that something has happened to Vaishali. Therefore they all rushed to applicants' house. They found dead body of Vaishali kept near the well. He therefore lodged FIR against applicants and Rahul.

3. Heard learned advocate for applicants, learned APP for respondent assisted by learned advocate for informant. Perused the investigation papers.

4. According to applicants they are innocent and they are falsely implicated in the present crime. There was partition in applicants' family and in that partition land was given to the share of Rahul and Vaishali. Mutation entry to that effect was also carried out in 7/12 extract. Copy of 7/12 extract is placed on record. After partition, Rahul and Vaishali purchased a tractor to cultivate the said land, on 16.12.2022. Copy of registration certificate of tractor is also placed on record.

5. Vaishali's husband Rahul is arrested and he is in jail. Offence is registered in the month of October-2023 and investigation appears to be almost complete. Considering the age of applicants and as nothing is to be recovered from them, their pre-trial custodial detention is not necessary.

6. In the result, application is allowed by confirming the interim protection granted on 13.12.2023.

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

[NITIN B. SURYAWANSHI, J.]

Bhagyawant Punde