



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 580 OF 2024

Baban s/o Shamrao Shinde

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Washim (Rural), District Washim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. M. Daga, Counsel for the applicant.
Mrs. M. A. Barabde, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/08/2024

1. The applicant who is father-in-law of the deceased came to be arrested on 28.01.2024 in connection with Crime No.32/2024 registered with Police Station Washim (Rural), District Washim for the offences punishable under Sections 302, 304-B, 498-A read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by uncle of the deceased on an allegation that the marriage of the deceased was performed on 01.06.2023 along with the co-accused Gajanan Shinde. After marriage, she was treated well by her in-laws as well as her husband for 2 – 3 months and thereafter she was subjected for harassment for the illegal demand of Rs.5,00,000/-. It is further alleged that the informant has issued a cheque of Rs.2,00,000/- in the name of the present

applicant, considering the continuous harassment to the deceased. It is further alleged that on 27.01.2024 at about 6.00 a.m. he received a call of the present applicant disclosing that the deceased is admitted in the hospital and he should come immediately. When he went there, the present applicant and the mother-in-law of the deceased were present. The deceased has sustained injury on her neck on the left side. On inquiry with the present applicant, he has not disclosed anything, thereafter deceased succumbed to the death due to the said injury. It revealed to the informant that the co-accused had given a blow of sickle on the neck of the deceased and she sustained injury and succumbed to the death. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel Mr. Daga for the applicant submitted that the applicant is father-in-law. The mother-in-law is already released on bail. He invited my attention towards the statements of the various witnesses and the statement of the co-accused also who had consumed poison after the incident and submitted that the alleged incident has taken place in the bedroom of the deceased and co-accused. The statement of the co-accused shows that after the present applicant and other co-accused went to sleep, he suspected regarding the character of the victim and therefore, he brought the sickle and gave

a blow of the said sickle on the neck of the deceased. He submitted that present applicant's conduct is apparent from the statement of one Kishor Sukhdev Aaru which shows that the present applicant has moved the injured in the hospital and subsequently, she succumbed to the death. The recitals of the FIR also shows the presence of the present applicant in the hospital, when the informant reached in the hospital to see his niece i.e. the deceased. Thus, he submitted that at the most the allegations which are levelled at the present applicant attract offence under Section 498-A of the Indian Penal Code. Now, the investigation is already completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, the present applicant be protected by granting bail.

4. Learned APP strongly opposed the said application and submitted that the death of the deceased is occurred in the matrimonial house within seven years of marriage. There was consistent harassment at the hands of the present applicant and the other-co-accused. She further submitted that considering the fact that the death of the deceased is caused in the matrimonial house, the present applicant was involved in continuous harassment to the victim. The amount of Rs.2,00,000/- is also paid to the present applicant, *prima facie* case is made out against the present applicant, in view of that the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the entire investigation papers from which it reveals that the marriage of the deceased with the co-accused was performed on 01.06.2023. As per the allegation, after marriage she was treated well for 2 – 3 months and thereafter subjected for the continuous harassment at the hands of the present applicant as well as mother-in-law and the co-accused. From the statements of the witnesses it reveal that the amount of Rs.2,00,000/- was already paid by issuing the cheque in the name of the present applicant. As far as the incident of assault on the neck of the deceased is concerned, the entire allegation is made against the co-accused who is the husband. The statements of the witnesses also shows that it was the present applicant who moved the deceased in the hospital, wherein she succumbed to the death. Thus, after considering the entire investigation material admittedly, at the most case attracts against the present applicant is under Section 498-A of the Indian Penal Code for which punishment up to three years is provided. Considering the involvement of the present applicant is not in actual assault on the deceased, in view of that the present applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.

(ii) The applicant **Baban s/o Shamrao Shinde** shall be released on bail in connection with Crime No.32/2024 registered with Police Station Washim (Rural), District Washim for the offences punishable under Sections 302, 304-B, 498-A read with Section 34 of the Indian Penal Code, on executing PR Bond of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall not enter into the village Chikhali (Bk.), Taluka and District Washim, till culmination of the trial.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(v) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)