



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2207 OF 2024

1. Sandip S/o. Sakharam Kokate,
Age : 39 years, Occu. : Doctor,
2. Sakharam S/o. Uttarmrao Kokate,
Age : 63 years, Occu. : Pensioner,
Both are R/o. Jodwadi, Tq. Gevrai,
Dist. Beed. ... Applicants

Versus

The State of Maharashtra,
Through P.I. Police Station,
Chaklamba, Tq. Gevrai,
Dist. Beed. ... Respondent

WITH

CRIMINAL APPLICATION NO. 4849 OF 2024
IN
BAIL APPLICATION NO.2207 OF 2024

Surekha W/o. Santosh Kalambe
Age : 50 years, Occu. : Household,
R/o. : Dahipuri, Tq. Ambad, Dist. Jalna. ... Applicants

Versus

1. Sandip S/o. Sakharam Kokate,
Age : 37 years, Occu. : medical Practitioner,
R/o. Jodwadi, Tq. Gevrai, Dist. Beed.
2. Sakharam S/o. Uttamrao Kokate,
Age : 60 years, Occu. : Agril.,
R/o. Jodwadi, Tq. Gevrai, Dist. Beed.
3. The State of Maharashtra,
Through Police Station Chaklamba,
Tq. Gevrai, Dist. Beed. ... Respondents

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Mr. Mayur Vasant Salunke, Advocate for Applicants

Mr. N. D. Batule, APP for Respondent – State.

Mr. Mahesh P. Kale, Advocate for Applicant in Cri.Appln/4849/2024
(Asstt. to PP)

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 10 JANUARY, 2025

PRONOUNCED ON : 14 JANUARY, 2025

ORDER :

1. Both applicants have invoked provision under section 483 of the Bharatiya Nyaya Sanhita (BNS), praying for grant of regular bail in Crime No.0199/2024 registered at police station Chaklamba, Tq. Georai, Dist. Beed for offence punishable under sections 103(3), 85, 115(2), 3(5) of BNS.

2. Criminal Application No.4849 of 2024 filed by mother of deceased victim for intervention seeking permission to assist the public prosecutor is allowed.

3. Learned counsel for applicants submitted that, present applicants are son and father, who are arrested in above crime on 16.07.2024. It is submitted that, applicant no.1 is a medical practitioner, whereas applicant no.2 is his father, who is a heart patient. That, above crime has been registered at the instance of brother of deceased Pratiksha, who was wife of applicant no.1 and they were married in February 2022. It is pointed out that, allegations are levelled that there was ill treatment to Pratiksha on

the count of not giving honours, giving less dowry and she being beaten and being humiliated. That, there are also demand of Rs.5,00,000/-. However, according to learned counsel, all allegations are false and afterthought. Learned counsel pointed out that, present applicant no.1 was at his hospital, when he learnt about consumption of poison by Pratiksha. Learned counsel pointed out that there are allegations that deceased was administered poison, but there is no direct evidence or any witness in support of such allegation. He pointed out that, even in post mortem report or inquest panchanama, there is no evidence suggesting pressing nose and administering poison. He pointed out that, in fact, present applicant no.2 himself shifted him to the hospital. That, after incident, family members of informant attacked mother of applicant no.1, who is wife of applicant no.2 and she was done to death and even crime to that extent has been lodged against informant and others. That, now, investigation is over and charge sheet is already filed. Nothing is to be recovered from applicants and as there are no prospects of commencement of trial, learned counsel prays for relief of regular bail.

4. Strongly opposing the above application, learned APP pointed out that merely after two years deceased was done to death by administering poison. That, there was harassment and

cruelty to deceased coupled with demand of Rs.5,00,000/-. That, deceased reported about it to her family members. Learned APP pointed out that, poison bottle has been recovered at the instance of present applicant no.1 under memorandum of disclosure. Consequently, on autopsy when death was found to be homicidal, above charges are framed and offence being serious, learned APP prays to reject the application.

5. Heard. Perused the papers. Above crime seems to be at the instance of Harshad Kalambe, who is brother of deceased Pratiksha. He has reported on 15.07.2024 that, his sister was married with applicant no.1 on 05.02.2022. He has alleged that, after one month, there was humiliation, insult, taunting to his sister on accusation of giving less dowry. He has alleged that, sister was continuously beaten and demand of Rs.5,00,000/- was allegedly made and his sister reported about demand and ill treatment and as such understanding was given to the accused by indulging relatives. He has alleged that, on 14.07.2024, poison was administered to his sister as a result of which she died. Hence, the report.

6. Perused the charge-sheet containing statements of relatives, who have informed that there was maltreatment after

one month of marriage, for giving less dowry, for not giving proper honour, and that there was demand of Rs.5,00,000/-. They all claimed that she reported about it and that understanding was required to be given to the husband and in-laws. Now, report is lodged by brother that there was murder by administration of poison. Even P.M. report shows cause of death due to poisoning, however, autopsy surgeon has preserved viscera of C.A. and its report is to be received. Learned APP pointed out that, there is recovery at the instance of applicant no.1. Learned counsel has also pointed out that, after the occurrence, mother-in-law of deceased i.e. mother of applicant no.1 and wife of applicant no.2 was beaten and she died due to multiple contusion injuries. Present applicant no.2 reportedly shifted deceased Pratiksha to hospital, is not denied by prosecution. He is shown to be 65 years of age and statement is made across the bar by learned counsel for applicants that he is patient of heart ailment and has recently undergone angioplasty.

7. In the light of above, only applicant no.2 deserves relief as prayed. This court is not inclined to consider relief of bail as regards to applicant no.1 is concerned, at this stage. Hence, the following order :-

ORDER

- (i) Application is partly allowed.
- (ii) Applicant no.2 Sakharam S/o. Uttarmrao Kokate be released on bail in connection with Crime No.0199/2024 registered with police station Chaklamba, Tq. Georai, Dist. Beed on executing P.B. of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant no.2 shall not tamper prosecution evidence.
- (iv) Application as regards to applicant no.1 stands rejected.
- (v) Criminal Application No.4849 of 2024 is also disposed off.

(ABHAY S. WAGHWASE, J.)