

Balnath Kalu More And Anr vs The State Of Maharashtra on 1 October, 2018

Author: Anuja Prabhudessai

Bench: Anuja Prabhudessai

P.H. Jayani

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2507 OF 2018

1. Balnath Kalu More	
2. Ansaram Kalu MoreApplicants
V/s.	
The State of MaharashtraRespondent

Mr. Ajinkya J. Jaibhave for the applicants.
Ms. Pallavi N. Dabholkar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 01st OCTOBER, 2018.

P.C.:

. Heard Mr. Ajinkya J. Jaibhave, learned counsel for the applicant and Ms. Pallavi N. Dabholkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

2. This is an application for bail under Section 439 of Criminal Procedure Code filed by the aforesaid applicants, who have been arrested in C.R.No.I-116/2018 registered at Nandgaon Police Station, District Nashik for offences punishable under sections 304(B), 498(A) r/w. 34 of Indian Penal Code.

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3. The aforesaid crime was registered pursuant to the first information report lodged by the Babulal Motiram Karande who is the maternal uncle of the deceased Walyabai @ Radhabai Tanaji More. The first information report prima facie reveals that the said Walyabai was married to Tanaji, the brother of the applicants. The first information report prima facie reveal that Walyabai and her

sister-in- law Sakharbai @ Sumanbai had gone to the well to wash clothes. They did not return home and their sleepers and other articles like buckets and clothes were found near the well. Subsequently, bodies of Walyabai and Sakharbai were recovered from the well located in the paddy field close to the house. The first informant had alleged that the husband of said Walyabai and his family members were demanding dowry and that she and her sister-in-law might have committed suicide because of the harassment meted out to them.

4. The allegations as regards demand of dowry and cruelty are general in nature. Furthermore, the statements of the neighbours and the other family members of the deceased prima facie reveals that they had not seen the applicants and others assaulting or harrasing the deceased. The records prima facie indicate that the other members of the family viz. the father-in-law and two brothers against whom similar P.H. Jayani 02 BA2507.18.doc allegations are levelled, have already been granted bail. The applicants are the residents of Pimprale, Taluka Nandgaon and there is no possibility of the applicants absconding. They have no criminal antecedents.

5. Considering the aforesaid facts and circumstances so also the nature of allegations levelled against the applicants, in my considered view, this is a fit case for grant of bail. Hence, Bail Application is allowed on following terms and conditions :-

(a) The applicants who have been arrested in C.R.No.I-116/2018 registered at Nandgaon Police Station, District Nashik are ordered to be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) each with one or two solvent sureties in the like amount.

(b) The applicants shall furnish their permanent address and temporary address, if any, and their contact details to the concerned Court.

(c) The applicants shall not change their residential address without prior intimation to the concerned Court.

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(d) The applicants shall not interfere with the witnesses in any

manner and shall not tamper with the evidence.

(SMT. ANUJA PRABHUDESSAI, J.)