

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1421 OF 2015**[Manoj s/o Govind Sutar Vs The State of Maharashtra & anr.]**

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

Court's or Judge's orders

Shri R.S.Deshmukh, advocate for applicant
Shri M.V.Ghatge, advocate to assist the Public Prosecutor
Shri M.M.Nierlikar, A.P.P. for respondents

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CORAM : V.M.DESHPANDE, J.**DATED : 1st April, 2015****PER COURT :-**

1] By the present application, the applicant is seeking anticipatory bail since the applicant is apprehending his arrest in connection with Crime No. 15 of 2015, registered with Sakri police station, District Dhule, for the offences punishable under Sections 306, 498-A r/w 34 of the Indian Penal Code.

2] The first information report is lodged by Keda Shivram Ahire on 5.2.2015. His daughter by name Khushali was married with the present applicant. The present applicant works as a Conductor in M.S.R.T.C. The marriage took place on 19.4.2006. On 27.1.2015 the first informant Keda received a mobile call from one Govind Rajaram Sutar that Khushali has committed suicide. Therefore, the first informant along with his other relatives went to Sakri wherein the last rites were performed on 27.1.2015. At the time of last rites, 2 sons , son-in-law and other relatives of the first informant were present.

3] The first information report states that the present applicant used to cause illtreatment on the demand of Rs.50,000/- for purchasing the motor cycle and for construction of the house. The first information report is vague as to when such demands were made.

4] From perusal of the reply and the first information report, it is clear that the mens rea required for the offence punishable under Section 306 of the Indian Penal Code is prima facie absent.

5] Learned counsel for the first informant tried to advance argument before this court that in fact it is not the offence punishable under Section 306, but the offence punishable under Section 302 of the Indian Penal Code and the investigating officer ought to have recorded the crime for the offence punishable under Section 302 of the Indian Penal Code.

6] This is not a stage wherein this court should express any opinion on the said aspect. In view of the fact that there is no incriminating material to connect the present applicant for the offence punishable under Section 306 of the Indian Penal Code, the application filed by the applicant needs to be allowed. Hence I pass following order.

ORDER

(i) Criminal Application is allowed.

(ii) Applicant-Manoj Govind Sutar, in connection with Crime No. 15 of 2015, registered with Sakri police station, District Dhule, for the offences punishable under Sections 306, 498-A r/w 34 of the Indian Penal Code, be released on anticipatory bail on he executing P.R. bond of Rs.5000/- with one solvent surety in the like amount.

(iii) Applicant shall attend police station Sakri once in a fortnight, preferably on Sunday, in between 1.00 p.m. to 2.00 p.m.

(iv) It is made clear that the prosecution will be at liberty to take appropriate steps in accordance with law if it is found during the course of the investigation that graver offence is committed by the present applicant.

(v) The applicant to visit the police station from Sunday the 12th April, 2015.

(vi) The application is disposed of.

(V.M.DESHPANDE, J.)

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