

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1451 OF 2015

Dinesh s/o Tarachand Narwade

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

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Mr. N.S.Ghanekar, Advocate for Applicant.

Mrs. V.A.Shinde, A.P.P. for Respondent - State.

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CORAM : V.M.DESHPANDE, J.

DATE : 10th APRIL, 2015

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PER COURT :

1. Heard Mr. N.S.Ghanekar, learned Counsel for the applicant and Mrs. V.A.Shinde, learned A.P.P. for respondent – State.

2. Initially, F.I.R. was filed against the present applicant and others on 26/12/2014 by Ashok Khandagale, father of deceased Deepali. On the basis of the said F.I.R., offence was registered vide Crime No. 209/2014 at police station Begumpura, Aurangabad for the offences punishable u/s 302, 498-A, 323, 504 read with 34 of the Indian Penal

Code and u/s 3 and 4 of the Dowry Prohibition Act. The applicant, who is husband of deceased, was arrested in the said crime.

3. The Investigating Officer has completed entire investigation. During the course of investigation, the Investigating Officer found that the deceased has committed suicide. According to the charge sheet, the material available with the Investigating Officer was that, when Deepali committed suicide, the room in which the incident has occurred, was bolted from inside and it was required to be broke open by the prosecution witnesses. Therefore, the Investigating Officer has filed charge sheet u/s 306, 498-A, 323, 504 read with 34 of the Indian Penal code. Charge u/s 302 of the Indian Penal Code was deleted by the Investigating Officer himself.

4. It is clear from the papers filed by the Investigating Officer along with charge sheet that the present applicant filed an application u/s 10 of the Hindu Marriage Act for judicial separation and Deepali was residing with her parents for the period of 14 months. Ultimately, the said matter was compromised on 07/06/2014 and since then Deepali was residing with the present applicant.

5. Learned A.P.P. invited my attention to the statement of Kantabai, who is mother of deceased Deepali. According to the learned A.P.P., said statement clearly shows that prior to committing suicide, there was quarrel between

the present applicant and deceased Deepali. According to the learned A.P.P., the same is instigation and, therefore, the ingredients for the offence punishable u/s 306 of the Indian Penal Code are very much available against the present applicant.

6. Statement of Kantabai shows that she received telephonic call from the applicant himself intimating that there was quarrel between him and deceased Deepali. Merely because there was quarrel, that *prima facie* does not inputs anything against the present applicant that the said quarrel was picked up with an intention that the deceased should commit suicide, especially when there was long standing matrimonial dispute amongst them.

7. The investigation is already over and charge sheet is filed. Therefore, further continuance of the applicant in the jail, in the light of the material available in the charge sheet, is not required.

8. Hence, I pass the following order :

(i) The present Criminal Application is hereby allowed.

(ii) Applicant Dinesh s/o Tarachand Narwade be released on bail in connection with Crime No. 209/2014 at police station Begumpura, Aurangabad for the offences punishable u/s 306, 498-A, 323, 504 read with 34 of the Indian Penal

Code and u/s 3 and 4 of the Dowry Prohibition Act on he executing P.R.Bond of ₹ 25,000/- [Rupees Twenty Five Thousand] with one solvent surety of like amount.

(iii) The applicant shall attend police station Begumpura, Aurangabad once a week preferably on every Monday between 4.00 p.m. and 5.00 p.m. till charge is framed.

(iv) The applicant shall not intimidate any of the prosecution witness.

(v) The observations made in the present order are *prima facie* in nature and the Court below, who shall be conducting the trial, shall not get influenced by these observations.

(vi) With these observations, the present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]