

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

CRIMINAL APPLICATION NO. 2789 OF 2015

Lahu s/o Sahebrao Bele

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. S.S.Rathi, Advocate for Applicant.

Mr. V.H.Dighe, A.P.P. for Respondent – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 22nd JUNE, 2015

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PER COURT :

1. By the present application, applicant is seeking his release on bail. Applicant is arrested in connection with Crime No. 27/2015 registered at police station Daithana, Dist. Parbhani for the offences punishable u/s 498-A, 306, 504 read with 34 of the Indian Penal Code.

2. Heard Mr. S.S.Rathi, learned Counsel for the applicant and Mr. V.H.Dighe, learned A.P.P. for the respondent – State.

3. Applicant is husband of deceased Swati. F.I.R. is lodged by Sitaram Tukaram Masolkar, who is father of the deceased. The marriage between present applicant and

deceased took place in the year 2008. F.I.R. alleges about the illtreatment on the part of the applicant and other accused persons.

The date of incident is 23/04/2015. On the said date, when the first informant along with his wife had been to the hospital at Gangakhed, there he received phone call from his brother, who informed him that Swati jumped in quarry, full of water and due to which she has died.

4. Other accused persons are already released on bail. Learned A.P.P. opposed the application on the ground that the applicant is the husband of deceased and there are allegations of illtreatment.

5. To constitute the offence punishable u/s 306 of the Indian Penal Code, there should be at least prima facie evidence on record that the person against whom the abatement is pressed into service has a *means-ria*. Further, learned A.P.P. though has stated that the charge sheet is not filed, however from the investigation papers available with him, he has fairly stated that investigation is over and the filing of charge sheet remain to be done.

Applicant is in jail since 27/04/2015. The investigation is already over. Further, applicant is not having any criminal antecedents at his dis-credit. His possibility of abscontion is not at all pressed into service by the prosecution.

6. Hence, I pass the following order :

(i) Present Criminal Application is allowed.

- (ii) Applicant Lahu s/o Sahebrao Bele be released on bail in connection with Crime No. 27/2015 registered at police station Daithana, Dist. Parbhani for the offences punishable u/s 498-A,306,504 read with 34 of the Indian Penal Code on he executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] with one solvent surety of like amount. Bail before the trial Court.
- (iii) Present applicant shall attend police station Daithana, Dist. Parbhani once in a fortnight, preferably on every Sunday in between 10.00 a.m. and 12.00 noon till the charge is framed by the Court below.
- (iv) Applicant shall not indulge in any activity which will cause prejudice to the prosecution case and shall not extend any type of threat to the prosecution witnesses.
- (v) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]