

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 2821 OF 2015**[Uddhav s/o Uttam Shelake Vs The State of Maharashtra]**

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

Court's or Judge's orders

Shri N.B.Narwade, advocate for applicant
Smt. S.G.Chincholkar, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 2nd July, 2015

PER COURT :-

- 1] This is an application for regular bail.
- 2] The applicant is arrested in connection with Crime No.116 of 2015, registered at M.I.D.C. Police station, Ahmednagar, for the offences punishable under Sections 498-A, 306, 323, 504 r/w 34 of the Indian Penal Code.
- 3] Heard Shri N.B.Narwade, learned counsel for the applicant and Smt. S.G.Chincholkar, learned Additional Public Prosecutor for the respondent/State.
- 4] Deceased is Kavita. The present applicant is husband of deceased. Their marriage took place on 1.12.2014. The applicant is serving at Exide Battery Company, situated at M.I.D.C. Ahmednagar. Therefore, after the marriage, the applicant along with deceased and his parents used to reside at Chetna Colony, Navnagapur, Ahmednagar.
- 5] The first information report is lodged by Laxman Korde, the father of the deceased on 16.5.2015. According to the first information report, after the marriage when deceased was residing with present applicant and her parents-in-law, that time present applicant has demanded

Rs.Four Lacs from the first informant for the construction of a house. However, due to paucity of funds, the demand of the present applicant was not fulfilled, resulting into the illtreatment to the deceased at the hands of the applicant and other co-accused. The first information report further states that the deceased was with the first informant for about one month and thereafter on 4.5.2015 she was taken to her matrimonial house. On 15.5.2015 as per the first information report, the first informant has received a phone call from present applicant, by which it was informed that Kavita has left the house. However, on search being made she was found inside the well. Thus, according to the first information report deceased committed suicide by jumping into the well due to illtreatment caused to her on account of demand of Rs.Four Lacs.

6] According to the learned counsel for the applicant, the deceased was suffering from the terminal disease and for that she was taken to various hospitals by the present applicant. The medical papers of the deceased showing that she was under treatment from various doctors were placed on record in the present application.

7] This court on 25.6.2015 directed the learned Additional Public Prosecutor to take necessary instructions and to verify about the medical certificates submitted by the applicant in respect of terminal disease of deceased Kavita.

Today, when the matter was called, Smt. S.G.Chincholkar, learned Additional Public Prosecutor for the State, upon instructions, submitted that the investigating officer had been to the District Government Hospital, Ahmednagar, Amey Skin and Laser Centre, Sai Hospital, Ahmednagar, Chikitsa Diagnostics and Research Centre and Dr. Sonawane Superspeciality Cancer Clinic. The investigating officer has verified about the truthfulness of the

documents submitted by the present applicant along with the bail application.

8] Learned Additional Public Prosecutor submitted that she has instructions from the investigating officer to make statement that the documents submitted by the present applicant in respect of terminal disease from which deceased was suffering are correct.

9] In view of the medical certificates and in view of the fact that the deceased was suffering from terminal disease, the possibility of she committing suicide of her own due to frustration cannot be ruled out completely. The present applicant has provided all medical help to the deceased. The applicant is in jail from 16.5.2015.

10] The afore said survey leads me to pass following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant-Uddhav s/o Uttam Shelake be released on bail, in connection with Crime No.116 of 2015, registered at M.I.D.C. Police station, Ahmednagar, for the offences punishable under Sections 498-A, 306, 323, 504 r/w 34 of the Indian Penal Code, on he executing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) Bail before the trial court.
- (iv) Application is disposed of.

(V.M.DESHPANDE, J.)