

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 3210 OF 2015**[Ganesh s/o Sukhdeo Raut 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 M.S.Indani, advocate for applicant
Shri A.S.Shinde, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 6th July, 2015****PER COURT :-**

- 1] The present application is for anticipatory bail.
- 2] The applicant, who is remote relative of Sandhya w/o deceased Mahesh is apprehending his arrest, in connection with Crime No. 111 of 2015, for the offences punishable under Sections 306 r/w 34 of the Indian Penal Code, registered with CIDCO Police Station, Aurangabad.
- 3] Heard Shri M.S.Indani, learned counsel for the applicant and Shri A.S.Shinde, learned Additional Public Prosecutor for the State.
- 4] The first information report is lodged by Ramesh Gawale on 13.3.2015. He is father of deceased Mahesh. Marriage of his son was performed with Sandhya on 18.4.2010. From their wedlock the couple was blessed with one son.
- 5] According to the first information report, there was matrimonial discord between Mahesh and Sandhya resulting into filing of the cases before the Family Court at Aurangabad. In view of the order passed by the learned Family Court, deceased was residing separately from first

informant along with his wife in the house of one Vijay Bhandare, however, according to the first information report itself there also Mahesh was subjected to cruelty at the hands of Sandhya. The first information report further states that the present applicant along with others used to ask deceased that he should be ready to give divorce to Sandhya and also there used to be demand from the deceased to the tune of Rs.7,00,000/-.

6] It is reported that on 7.3.2014 at about 11.30 O' clock in the night Mahesh was assaulted by the present applicant and other accused persons. Though such a bold statement is made in the first information report about the assault on Mahesh on 7.3.2014, the learned Additional Public Prosecutor Shri Shinde has stated that no report is lodged against anyone including the present applicant. According to the prosecution, at the place i.e. dwelling house of Mahesh, he wrote on the door by lipstick that present applicant and others are responsible for his death. This has been treated as suicide note by deceased Mahesh. In the said writing, except the name of present applicant along with others nothing is stated.

7] It is clear from the first information report itself that there was long standing matrimonial dispute between Sandhya and Mahesh. In that view of the matter, frustration in the mind of Mahesh cannot be ruled out completely. Further, this court has already protected the other accused who are similarly placed like present applicant. In that view of the matter, the present applicant is also entitled to be released on anticipatory bail in the event of his arrest. Hence, I pass following order.

ORDER

- (i) Criminal Application is allowed.

(ii) Applicant-Ganesh s/o Sukhdeo Raut, in the event of his arrest, in connection with Crime No. 111 of 2015, for the offences punishable under Sections 306 r/w 34 of the Indian Penal Code, registered with CIDCO Police Station, Aurangabad, be released on anticipatory bail on he executing P.R. bond of Rs. 15,000/- with one solvent surety in the like amount.

(iii) The applicant-Ganesh shall attend CIDCO police station, Aurangabad once a week, preferably on every Sunday and shall remain in the police station between 10.00 a.m. to 11.00 a.m. till charge sheet is filed.

(iv) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap3210.15