

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.70 OF 2015

Kamlesh S/o Ramkrishna Gedam

..vs..

State of Mah., thr PSO, Sitabuldi Police Station, District Nagpur

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

Court's or Judge's order

**Shri D.A. Mahajan, counsel for the applicant.
Shri R.S. Nayak, APP for the State.**

CORAM : PRASANNA B. VARALE, J.
DATE : MARCH 9, 2015

Heard.

By the present application, the applicant is apprehending his arrest in the nature of his pre-arrest bail in connection with Crime No.33 of 2015 dated 30.1.2015, registered with Sitabuldi Police Station, Nagpur, for the offences punishable under Sections 306, 498-A read with 34 of the Indian Penal Code.

Learned counsel for the applicant has invited my attention to order passed by this Court dated 17.2.2015. He submits that the deceased herself was in a depressed mood. He further submits that considering the fact

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that the victim was in the Police Department, it is possible that due to occupational pressure, she might have taken a drastic step. It is the further submission of learned counsel for the applicant that on the backdrop of the allegations and on the backdrop of the fact that the applicant is ready to extend his full co-operation to the investigating agency, there is no requirement of his custodial interrogation.

Learned APP vehemently opposes the application. He by placing heavy reliance on the reply filed submits that there are certain aspects which are to be unearth and for such exercise the custodial interrogation of the applicant would be must and necessary.

On perusal of the report lodged at the instance of the brother of the victim certain facts reveal namely victim Namrata had entered into the Police Department sometime in the year 2006 and was attached to the Ambazari Police Station at the relevant time. The marriage between applicant and Namrata was solemnized on 19.5.2014. The applicant was in the service of the Bank initially at Aurangabad and,

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thereafter, transferred to Gondia. Though for the initial period of their marriage matrimonial life was going on smoothly, in the month of October the brother established contact with Namrata and finding her in a low mood made enquiry. It was informed to him by Namrata that the applicant, under the influence of liquor, used to demand money from her. If the money was provided, the applicant behaved normally with the victim and on refusal, ill-treated her physically and verbally. The brother then made an attempt to request applicant for occupying the Government quarter so that the couple could stay together and away from the family to avoid differences. The applicant was not ready for this proposal.

When the brother had been to Nagpur in the month of December, 2014, Namrata had visited his house and disclosed ill-treatment received by her at the hands of the applicant.

A day prior to unfortunate incident i.e. 25.1.2015, in the evening when Jitendra, the complainant, made a call to Namrata, she

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had informed him that due to sudden ill-treatment of the applicant she was depressed and mentally disturbed. On the next day i.e. 26.1.2015, Jitendra had received a phone call from his younger brother Chandrakant, informing him that Namrata had committed suicide by hanging. Jitendra, immediately, had rushed to Nagpur from Mumbai. After performing last rites, as the family was in grief, the report was lodged on 30.1.2015.

Perusal of the report itself shows that the brother / complainant was informed by Namrata in the month of October itself of the ill-treatment being received by her and a day prior to that unfortunate incident of hanging, he was again informed by Namrata of the ill-treatment and mental depression of which she was going through.

The reply filed by the State reveals an additional fact of receiving a letter to the Police Station Authorities. The letter bears signature of Namrata. The contents of the letter/suicide note referred to in the reply are the alleged intimacy of the applicant with his sister-in-law expressed by the

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victim.

Learned APP submits that the letter is now in the process of receiving opinion of handwriting expert. The specimen handwriting of the deceased Namrata had been seized during investigation. The material is also referred to the statement of friends of Namrata to whom Namrata had disclosed agony and ill-treatment received by her on account of demand of money.

Considering these aspects, in my opinion, there is a *prima faice* material of role played by the applicant in the ill-treatment of the victim who took drastic step of ending of her life after hardly a span of six months of matrimonial life.

Considering the reply filed by the State and the material presented, the custodial interrogation of the applicant would be necessary. Taking into consideration the above referred aspects, in my opinion, the applicant is not entitled to protection in the nature of his pre-arrest bail. The application deserves to be rejected.

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Thus, the criminal application is rejected.

Needless to say that, interim protection granted by this Court on 17.2.2015 to the applicant stands vacated.

JUDGE

!! BRW !!

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