

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

Criminal Application (BA) No. 154 of 2015

Namdeo s/o Ramrao Mahade vs. State of Maharashtra

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

CORAM : PRASANNA B. VARALE, J

DATE : 28.4.2015

Heard Mr. R.M.Mardikar, the learned counsel for the applicant and Mr. S.S.Doifode, the learned APP for the non-applicant State.

The applicant is before this Court seeking his enlargement on bail in connection with the Crime No. 108 of 2014 registered at Police Station Channi, District Akola for the offences punishable under Sections 498-A, 304-B, 306 read with Section 34 of the Indian Penal Code.

Mr. Mardikar, the learned counsel for the applicant, by inviting my attention to the report lodged at the instance of the father of the victim and other materials collected by the investigating agency, made an attempt to submit that the

allegations against the applicant are vague allegations. He submitted that the victim was a short tempered lady. He then submits that the witnesses, whose statements are recorded by the investigating agency, impressed their version to suit the case of the prosecution.

The learned APP vehemently opposes the application.

I have gone through the material placed on record. The report lodged at the instance of the father of the victim clearly reveals that the marriage between the couple was solemnized in the month of May, 2014 and immediately after the span of two months when the daughter visited her parental home on account of Rakshabandhan along with the applicant, she informed about the ill-treatment to her by the applicant and the other family members. Not only this, when the victim was in her parental home along with the applicant when she was watching T.V. on trivial exchange of words, the applicant gave 3-4 slaps to the victim. She informed the members of the family that she was subjected to some demand in her matrimonial home also. Though the parents made an attempt to pacify the daughter and asked her to bear the incidence of matrimonial life, immediately again in a span of 15 days, the

applicant and the victim visited the parental home of the victim. The applicant demanded Rs. 20,000/- and when the father expressed his inability, the applicant gave 2-3 slaps to the victim in presence of the father. The father made an attempt to raise this issue before those person who helped out the father for settling the marriage. The daughter of the complainant on telephonic version also informed to the father about consistent ill-treatment, physical ill-treatment and mental harassment. She informed that the applicant was raising doubt over her chastity. On 28.9.2014 the complainant had telephonic talk with the daughter and in that talk also she requested the father to reach her matrimonial home at the earliest as she is being ill-treated continuously. On the next day i.e. on 29.9.2014 father received a phone call from the applicant informing that Alka i.e. the victim committed suicide by hanging. Thus, the report itself reflects the consistent ill-treatment and harassment received by the victim. The perusal of the other material viz. the statements of the witnesses also support the version of the complainant's father. The perusal of the post mortem report shows that the victim was carrying pregnancy. Considering these facts, I am unable to accept the submission of Mr. Mardikar, that the victim, who was a short

tempered lady, in a heat of passion committed suicide. It is difficult to believe that a lady whose matrimonial life was hardly of six months and was carrying pregnancy would take an extreme step of ending of her life only in a heat of some passion. The material clearly indicates that the victim was consistently receiving ill-treatment and the applicant was the person responsible to such continuous ill-treatment. In my opinion, this is not a fit case to enlarge the applicant on bail. The application being meritless deserves to be rejected and the same is rejected.

JUDGE

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