

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

Criminal Application [ABA] No.143 of 2015

(Kamlesh Ramkrishna Gedam

vs.

The State of Maharashtra, through P.S.O. Sitabuldi, Nagpur)

Office 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 : MARCH 17, 2015.

Heard Mr. S.G. Karmarkar, the learned Counsel for
the applicant.

This is an application for seeking protection in the
nature of pre-arrest bail in connection with Crime No.33/2015,
registered at Sitabuldi Police Station, Nagpur for the offences
punishable under Section 498-A and 306 read with Section 34 of
the Indian Penal Code.

The learned Counsel for the applicant fairly submits
that this is the second attempt of the applicant. The learned
Counsel made an attempt to submit that there is change in the
circumstance, namely, certain material was not brought to the
notice of the Court. The applicant, who had approached this
Court by filing Criminal Application No.70/2015, is the husband
of the victim-Namrata. It was an attempt made by the learned
Counsel to submit that on the earlier day of the incident, the

applicant was in company of the victim and on the day of the incident, he was not available. It will not be out of place to mention that this Court while considering Criminal Application No.70/2015 passed the detailed order. The submission of the learned Counsel are also referred to, namely, the victim, who was in a depressed mood and being a police personnel having the occupational pressure, might have taken a drastic step of committing suicide. An attempt was also made to submit that the brother of the victim on 26th of January, 2015 received certain papers viz. the Postal Life Insurance Policy and the receipt of purchase of the plot. Thus, an attempt was also made to submit before this Court that the terms between the family were cordial. This Court, considering the material placed before it, found that the marriage between the couple was solemnized sometime in the month of May, 2014 and within a very short span of time, the victim informed her brother about the ill-treatment being received by her. She also informed about the mental depression faced by her due to the ill-treatment. This Court also refer to an additional fact, namely, in the process of investigation receiving a letter bearing signature of the victim and contents referring to an alleged intimacy of the applicant with his sister-in-law.

Thus, the learned A.P.P. submits that the investigating agency will have to conduct a deep probe and

unearth various links on the backdrop of the material recently received. This Court, on the backdrop of the fact that there was an immediate disclosure of the ill-treatment within a short span of time about the ill-treatment, also observed that the victim, who herself was a police personnel, took a drastic step to end her life within six months of matrimonial life. In view of the material, viz. suicide note received by the agency, there was considerable merit in the submission of the learned A.P.P. that the agency will have to conduct a deep probe. Thus, considering all these aspects, this Court was not inclined to grant any protection to the applicant. Though the applicant was protected by an interim order, this Court while rejecting the application observed that the interim protection stands vacated.

On the backdrop of these facts, the attempt of the learned Counsel for the applicant to submit that there is a substantial change in circumstances is unacceptable. The application, being devoid of merits, needs to be rejected at the threshold and the same is rejected.

The application is disposed of as such.

JUDGE

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