

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

CRIMINAL APPLICATION (BA) NO.250/2015

(Ankush Dharma Chavan ..vs.. State of Maharashtra, through PSO P. S. Khandala, Tq.
Pusad, Dist. Yavatmal)

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

Court's or Judge's orders.

Mr. J. B. Gandhi, Advocate for applicant.
Mrs. K. S. Joshi, A.P.P. for non applicant-State.

CORAM : A.B. CHAUDHARI, J.

DATE : JUNE 18, 2015.

The applicant is accused in Crime No. 121/2014 registered with Police Station, Khandala, Tq. Pusad, Dist. Yavatmal for an offence punishable under Sections 302, 201, 498-A, read with Section 34 of the Indian Penal Code and was arrested on 16.11.2014. The applicant is husband of deceased Laxmi and he used to harass and torture Laxmi for dowry and was also insisting on her repeatedly to bring money from her parent's house. At one stage, an amount of Rs. 2,00,000/- was also paid to him as he stated that he wanted to purchase tractor. The applicant treated Laxmi well for some time, however, thereafter, again started harassing her. Finally, on 12.11.2014, Laxmi was found in the house in completely burnt condition and the incident was

reported by Rohidas Fattu Rathod, father of the deceased Laxmi.

I have perused the FIR, which clearly recites the role of the applicant in treating deceased Laxmi. The submission made by the learned counsel for the applicant that the marriage between them was above seven years and, therefore, the applicant should be released on bail, does not appeal to me. In fact, paragraphs 3 and 4 of the reply filed by the prosecution clearly show the direct evidence against the applicant. Paragraphs 3 and 4 of the reply read thus:

“3. During investigation, Investigating Officer has recorded statement of Lahu who is son of deceased and applicant who is specifically stated that applicant took deceased inside the house and after sometime accused alone came outside the house and that time he saw smoke from the house and found his mother is burning. Couple with Investigating Officer has received post mortem report wherein it is specifically mentioned that the cause of death due to asphyxia due to pressure applied around the neck with rope and dead body was completely burnt 100%. Therefore, it shows that accused has committed murder

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by throttling and thereafter to create scene that deceased had burnt with intention to disappear the evidence.

4. *It is submitted that, as per the cahрге-sheet there is a strong prima facie case against the applicant to show that he is main accused and directly involved in said commission of offence as per the following evidence and circumstantial evidence.*

A) Eye witness- Lahu Chavan who is the son of deceased and he specifically stated that on the day of incident in the morning applicant took deceased inside the house and after some time he came outside the house that time smoke was coming and he saw his mother in burning condition.

B) Witness- Madhukar Pawar, Rohidas Rathod, Ramesh Chavan, Madhukar Rathod, Sau. Janabai Rathod, Anil Rathod, Vitthal Rathod all said witnesses are neighbours and they saw smoke coming out of the house of applicant and saw the applicant was coming outside the house and ran away.”

The above evidence thus clearly shows complicity of the applicant. Hence, I do not find that the applicant should be released on bail.

In view of above, I pass the following order.

ORDER

(i) Criminal Application No.250/2015 is rejected.

JUDGE

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