

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

CRIMINAL APPLICATION (ABA) NO.299/2015

Ashish Gopaldas Alias Gopikisan Lohiya ..vs.. State of Maharashtra, through PSO P.
S. Shelu, Tq. Dist. Wardha.

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

Court's or Judge's orders.

Mr. H. M. Mohta, Advocate for applicant.
Mr. Bangadkar, A.P.P. for non applicant no.1-State.
Mr. A. J. Gilda, Advocate assisting the prosecution.

CORAM : A.B. CHAUDHARI, J.

DATE : JULY 14, 2015.

CRIMINAL APPLICATION NO. 695/215

This is an application for assisting the
prosecution.

For the reasons stated in paragraphs 2 to 7
of the application, it is allowed.

Criminal Application No. 695/2015 is
disposed of accordingly.

CRIMINAL APPLICATION (ABA) NO.299/2015

Heard learned counsel for the parties.

In the FIR lodged by complainant Usha
Bhutada, there are averments about the role of the
applicant-husband ill-treating the wife for money. It
is true that the incident is said to have taken place

after seven years of the marriage and hence presumption under law does not apply in the present matter. However, so far as offence punishable under Section 306 of the Indian Penal Code is concerned, there is a *prima facie* case against the applicant. There are allegations against other family members i.e. father, mother and so on so forth. However, they have been released on bail by the Sessions Court and, in my opinion, rightly so.

At any rate, the applicant is not entitled to the relief of anticipatory bail and shall surrender before the Investigating Officer. Hence, following order is passed.

ORDER

(i) Criminal Application No.299/2015 is rejected, reserving liberty in favour of the applicant to apply for regular bail.

JUDGE