

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

Criminal Application [BA] No.484 of 2015

(Raju Annaji Gowardhan

vs.

The State of Maharashtra, through PSO Ballarpur, District Chandrapur)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Mr. Rohit Joshi, Advocate for the Applicant.

Mr. P.V. Bhoyar, A.P.P. for the Non-Applicant/State.

CORAM : V.M. DESHPANDE, J.

DATE : AUGUST 27, 2015.

This is an application for regular bail. The applicant is arrested in connection with Crime No.217/2014, registered with Police Station Ballarpur, District Chandrapur for the offences punishable under Sections 306, 498-A and 304-B of the Indian Penal Code.

Heard Mr. Joshi, learned Counsel for the applicant and Mr. Bhoyar, learned A.P.P. for the State.

The Investigating Officer has already completed his entire investigation by filing the charge-sheet before the Court below.

Deceased Sangeeta is the daughter of first informant Ashabai. Her marriage with the present applicant took place on 02/05/2014 and the unfortunate incident of commission of suicide is dated 19/12/2014.

From the charge-sheet, it is clear that intimation of unnatural death was given by Suresh, the brother of deceased. On the basis of intimation, proceedings under Section 174 of the Code of Criminal Procedure were registered vide A.D. No.46/2014. The intimation of Suresh, if seen, is more than an intimation. The said intimation is dated 19/12/2014. The closure view of the said intimation reveals that since last 2-3 days of the incident, the present applicant under the influence of liquor used to quarrel with the deceased and this fact is narrated to him by his mother.

The F.I.R. was lodged on the next day of the incident by Ashabai, the mother of deceased. It shows that after the marriage, for one month the relations between the applicant and the deceased were cordial and thereafter under the influence of liquor, the applicant used to pick up the quarrel with the deceased and beat her, and ultimately due to such harassment, deceased committed suicide.

What is important to note from the report giving the intimation and F.I.R. that both are absent in respect of any demand either monetary or in the nature of any articles from the deceased. Further, both these reports are totally silent that deceased was subjected to cruelty at the hands of the present applicant on the count of any type of demand. The ill-

treatment according to these two reports is that under the influence of liquor, the applicant used to beat the deceased-Sangeeta.

On the basis of the report lodged by Ashabai on 20/12/2014, the offence was registered for the offence punishable under Section 306 of the Indian Penal Code. The applicant was arrested on 20/12/2014.

On 15/01/2015, supplementary statements of the first informant-Ashabai and brother of deceased viz. Suresh were recorded. If the supplementary statement of Suresh with the necked eye is seen, the demand in respect of money is a clearcut insertion and interpolation.

There is no explanation in the statements as to why from 20/12/2014 till 15/01/2015, they kept mum in respect of the demand. Therefore, *prima facie* the case of the prosecution in respect of demand at least at this stage is doubtful one.

The investigation is already over and with such type of evidence, as collected, I see no reason for further continuation of the applicant in jail and the same leads me to pass the following order :

- ➔ Applicant-Raju Annaji Gowardhan be released on bail on his executing P.R. Bond in the sum of Rs.25,000/-

(Rupees Twenty Five Thousand Only) with one solvent surety in the like amount in connection with Crime No.217/2014, registered with Police Station Ballarpur, District Chandrapur before the trial Court.

- ➔ The applicant shall attend the Police Station Ballarpur once in a fortnight preferably on Monday in between 03:00 p.m. to 05:00 p.m. till the charge is framed by the trial Court.
- ➔ He shall not indulge himself in any such activity which will cause prejudice to the prosecution.
- ➔ With these, the application is allowed and disposed of.

JUDGE

**sdw*