

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.246 OF 2016

Bhaidas s/o Narayan Ramraje,
Age 60 years, Occu. Retired,
R/o Shivparvati Apartment,
Shivajinagar, Thane, Dist. Thane

..Applicant

Versus

The State of Maharashtra,
through Police Station,
Dhule City, District Dhule

..Respondent

Mr V.P. Latange, Advocate for applicant
Mr S.J. Salgare, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 11th February 2016

PER COURT

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.239/2015, registered on 20th December 2015 at City Police Station, Dhule, for the offences punishable under Sections 420, 323, 504 and 506 of Indian Penal Code and under Sections 3 and 4 of Dowry Prohibition Act.

3. The prosecution case against the present applicant is that the son of applicant namely Rahul claimed to have agreed to marry the daughter of complainant. It is then claimed that since the demand of Rs.15 lakhs towards dowry was not accepted by the complainant, the applicant has decided not to honour the commitment of marriage, as such crime in question.

4. While trying to make out the case for grant of pre-arrest bail, learned Counsel for the applicant would urge that it is an admitted

fact that there was agreement that applicant's son will marry with daughter of complainant, however, due to certain differences between the parties, the said agreement was not given effect to. He would then urge that the custodial interrogation of the applicant is not necessary, particularly in the background of the age of the applicant, being 60 years.

5. Learned A.P.P. submits that the complainant is personally present in the Court and he has informed him that the amount as was spent on the engagement ceremony to the tune of Rs.1,50,000/- was never returned to him, particularly in the light of statement of witness Gangaram Indise. It is informed to him by the complainant that said Gangaram Indise is not related to the complainant.

6. Learned A.P.P. opposed the application on the ground that the offence under the Dowry Prohibition Act is serious and the custodial interrogation of the applicant is necessary so as to recover the amount of Rs.1,50,000/- given to the applicant. He would then urge that there is prima facie case against the applicant and prayed for rejection of application.

7. With the assistance, I have perused the investigation papers. It is brought on record that there was an agreement in between the complainant and one Bhatu Manik Mohite, executed on or about 15th May 2015, wherein it was agreed that the complainant's daughter's marriage with the son of Bhatu was broken, as there was no agreement in between the daughter of the complainant and son of said Bhatu Mohite.

8. Apart from above, the statement of Indise (cited supra) speaks of return of Rs.1,50,000/- along with other material to the complainant.

9. In this background, in my opinion, custodial interrogation of the applicant is not necessary. As such, the applicant is entitled for grant of pre-arrest bail.

10. In the event of arrest in Crime No.239/2015, registered on 20th December 2015 at City Police Station, Dhule, for the offences punishable under Sections 420, 323, 504 and 506 of Indian Penal Code and under Sections 3 and 4 of Dowry Prohibition Act, the applicant be released on bail, upon furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

11. The applicant shall attend the concerned Police Station on 17th and 18th February 2016 in between 10.00 a.m. and 12.00 noon and thereafter, as and when called.

12. The applicant shall not tamper with the evidence.

13. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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