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

CRIMINAL APPLICATION NO.569 OF 2016

Jaipalsing s/o Kesarsing Girase ..APPLICANT

VERSUS

The State of Maharashtra & anr. ..RESPONDENTS

Mr B.R. Warma, Advocate holding for Mr P.R. Patil, Advocate for applicant;
Mr M.M. Nerlikar, Addl. Public Prosecutor for respondents

CORAM : N.W. SAMBRE, J.

DATE : 17th February, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicant seeks his release on pre-arrest bail, in connection with C.R. No.150 of 2015, registered with Shindkheda police station, Dist. Dhule, for offences punishable under sections 306, 304-B, 498-A read with section 34 of the Indian Penal Code and under section 4 of the Dowry Prohibition Act.

2. The case of the prosecution against the applicant is that he married deceased Poonam on 23rd May, 2013 and as the family members of the victim failed to meet the demand, she committed suicide, resulting into registration of the crime in question.

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3. Mr Warma, learned Counsel appearing on behalf of the applicant would urge that there is hardly any material on record to depict that there were any differences between the present applicant and deceased Poonam. With a view to substantiate his contention, learned Counsel has invited my attention to the gainful employment of applicant as Laboratory Attendant in a school. He would then urge that since the investigation in the matter is almost complete, custodial interrogation of the applicant is not necessary.

4. Learned Addl. Public Prosecutor opposed the application on the ground that since suicidal death of Poonam has occurred within a period of seven years from the date of marriage, there is presumption against the applicant as to abetment of suicide by her, in view of provisions of section 113-A of the Evidence Act. He would then urge that that the investigation in the matter is in progress and investigation carried out so far depicts involvement of the applicant in the crime in question.

5. With the assistance, I have perused the investigation papers.

6. It is noted that Poonam, the wife of the applicant has lost her life within a period of two years from the date of her marriage. There are allegations of demand of dowry in the first information report, for non-filment of which, Poonam was subjected to cruelty by the applicant and his relatives, which drove her to commit suicide. Thus, there is material on record to infer *prima facie* involvement of the applicant in the crime in question.

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7. The investigation in the matter is in progress. In view thereof, in my opinion, no case for grant of pre-arrest bail is made out. Criminal Application thus fails and stands rejected.

(N.W. SAMBRE, J.)

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