

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

CRIMINAL APPLICATION NO.679 OF 2016

Ganesh s/o Natha Galande,
Age 45 years, Occu. Household,
R/o Galandewadi (Koregaon)
Taluka Karjat, District Ahmednagar ..Applicant

Versus

The State of Maharashtra,
through Police Station Officer,
Karjat Police Station, Taluka Karjat,
District Ahmednagar ..Respondent

Mr N.V. Gaware, Advocate for applicant
Mr M.M. Nerlikar, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 23rd February 2016

PER COURT

Heard.

2. The applicant is seeking regular bail in Crime No.I-272 of 2015, registered at Karjat Police Station, District Ahmednagar, for the offences punishable under Sections 302, 498-A, 323, 354 read with sec.34 of Indian Penal Code.

3. The prosecution case against the applicant is, the applicant was married to deceased Tai on 21st June 2015. She was reported to be dead on 21st October 2015 and the cause of death cited in the post mortem is death 'due to throttling'.

4. In this background, learned Counsel for the applicant, husband of deceased Tai, submits that upon perusal of F.I.R., it depicts that

serious allegations were made against father-in-law namely Natha and not against the present applicant. He would then urge that there is no reason whatsoever for detaining the applicant in view of filing of completion of investigation and filing of charge-sheet. He would rely on the order passed by this Court on 7th December 2015 in Criminal Application Nos.6108 of 2015 and 6215 of 2015. According to him, the case of the present applicant is at par with the applicants Nirmala Natha Galande and Dinesh Natha Galande in above referred two applications.

5. Learned A.P.P. opposed the application and invited attention of this Court to the provisions of Section 113-A of Evidence Act, as the marriage took place on 21st June 2015 and death occurred on 21st October 2015. He would then urge that the applicant is husband and even if there is presumption, there is no appropriate rebuttal at this stage. According to him, there is prima facie case against the applicant and prayed for rejection of the application.

6. Having bestowed my thoughts to the submissions made, it is not in dispute that the applicant was married to deceased Tai on 21st June 2015, who was reported to be dead on 21st October 2015. The cause of death is reported to be 'throttling'. Deceased Tai was in the custody of applicant and it is the applicant to owe appropriate explanation to that effect. The F.I.R. contains an allegation as regards the approach of father-in-law towards Tai and thereafter cruelty meted out to deceased Tai by the present applicant.

7. The applicant cannot claim parity with other accused namely Nirmala Natha Galande, who is mother of the applicant and Dinesh Natha Galande, brother of the applicant, as both are situated differently than the applicant.

8. In my opinion, even if the investigation in the matter is complete, looking to the above referred observations, it will not be appropriate to grant regular bail to the applicant. As such, application stands rejected.

(N.W. SAMBRE, J.)

vvr