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

CRIMINAL APPLICATION NO.682 OF 2016

Rajaram s/o Thakaji Khanse ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr N.V. Gaware, Advocate for applicant;
Mr K.D. Munde, Addl. Public Prosecutor for respondent;
Mr Amol S. Gandhi, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 23rd February, 2016

ORDER :

By the present application under section 439 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.I-152 of 2015, registered with Belwandi police station, Tq. Shrigonda, Dist. Ahmednagar, for offences punishable under sections 498-A, 304-B read with section 34 of the Indian Penal Code and under sections 3 and 4 of the Dowry Prohibition Act.

2. The allegation against the applicant is that his son Suraj married to Geeta on 28th April, 2015, upon payment of dowry of Rs.1 Lac and two Tolas of gold. It is thereafter claimed that the applicant, the father-in-law and other relatives of the deceased were continuously making demand of dowry, which resulted into suicide by Geeta.

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3. The applicant, who is claimed to be a Teacher by profession, came to be arrested in the crime in question on 23rd December, 2015. The husband of deceased Geeta, namely, Suraj is an agriculturist.

4. In the above referred background, learned Counsel appearing on behalf of the applicant, while trying to make out a case for grant of bail, would urge that custodial interrogation of the applicant is already over and his further detention is not necessary in the matter. He would then urge that the applicant - a public servant, who holds immovable property would be available for further investigation and shall also face the trial before the Court.

5. Learned Addl. Public Prosecutor, who is assisted by Mr Gandhi, learned Counsel appearing on behalf of the complainant, would urge that the marriage of Geeta took place on 28th April, 2015 and she committed suicide on 21st December, 2015 and, therefore, the applicant being relative of husband of the deceased, presumption under section 113-A/B of the Evidence Act would arise in the instant matter. He would then urge that the investigation depicts *prima facie* involvement of the applicant in the crime in question and as such prayed for rejection of the application.

6. Having considered the investigation carried out till date, it is required to be noted that deceased Geeta was missing on 21st December, 2015, on which date her husband Suraj and father-in-law, i.e. present applicant lodged a missing report with the police. In the said missing

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report, the son of the applicant has, in detail, narrated as regards disappearance of Geeta and the said issue, in my opinion, is required to be considered in favour of the applicants. The applicant is a Teacher. His custodial interrogation is already over.

7. In this view of the matter, in my opinion, further detention of the applicant is not necessary. I, therefore, pass following order :-

The applicant be released on bail, in connection with C.R. No.I-152 of 2015, registered with Belwandi police station, Tq. Shrigonda, Dist. Ahmednagar, for offences punishable under sections 498-A, 304-B read with section 34 of the Indian Penal Code and under sections 3 and 4 of the Dowry Prohibition Act, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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