

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

CRIMINAL APPLICATION NO.697 OF 2016

Shantilal Bhausahab Kuche,
Age 55 years, Occu. Service,
R/o Sant Nagar, Paithan,
Taluka Paithan,
District Aurangabad

.. Applicant

Versus

The State of Maharashtra,
through Investigation Officer,
Paithan Police Station,
Paithan

.. Respondent

Mr R.V. Gore, Advocate for applicant
Mr K.D. Mundhe, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 9th February 2016

PER COURT

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.I-11/2016, registered at Paithan Police Station, District Aurangabad, for the offences punishable under Sections 304-B, 498-A read section 34 of Indian Penal Code.

3. The prosecution case is, the daughter-in-law of the applicant Arti was married to the son of applicant, Sandeep on 8th May 2015. Said Arti committed suicide and expired on 9th January 2016, resulting into registration of crime in question.

4. Learned Counsel for the applicant submits that the applicant is a public servant and working in an institution, which is grant-in-aid. He would submit that except omnibus allegations, no role is attributed to the applicant.

5. Learned A.P.P. opposed the application on the ground that there is presumption against the present applicant under Section 113-A of the Evidence Act, as the death has occurred within seven years from the marriage of Arti, i.e. on 9th June 2016.

6. In my opinion, the custodial interrogation of the applicant is not necessary, as the applicant, a public servant is always available for investigation.

7. Apart from above, it is required to be noted that the main accused, Sandeep is already arrested and investigation is in progress. There is general role attributed to the applicant and nothing is required to be recovered from him.

8. As such, Criminal Application stands allowed. In the event of arrest, the applicant be released in Crime No.I-11/2016, registered at Paithan Police Station, District Aurangabad, for the offences punishable under Sections 304-B, 498-A read section 34 of Indian Penal Code, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

9. The applicant shall attend the concerned Police Station on 15th and 16th February 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called.

(N.W. SAMBRE, J.)

vvr