

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

CRIMINAL APPLICATION NO.849 OF 2016

Nanasaheb Dnyadeo Pagare,  
Age 29 years, Occu. Labour,  
R/o Pendephall, Taluka Vaijapur,  
District Aurangabad

..Applicant

Versus

The State of Maharashtra,  
through Vaijapur Police Station,  
Taluka Vaijapur, Dist. Aurangabad

..Respondent

Mr N.D. Sonawane, Advocate for applicant  
Mr M.M. Nerlikar, A.P.P. for respondent

**CORAM : N.W. SAMBRE, J.**

**DATE : 24<sup>th</sup> February 2016**

**PER COURT**

Heard.

2. The applicant is seeking regular bail in Crime No.I-209/2015, registered at Vaijapur Police Station, District Aurangabad, for the offences punishable under Sections 306 read with sec.34 of Indian Penal Code.

3. The allegation against the applicant is that the applicant, husband of deceased Rani has abetted her suicide.

4. While trying to make out the case for grant of bail, learned Counsel for the applicant would urge that the suicidal death cannot be attributed to the applicant in view of the developments, as are narrated in the application. According to him, the applicant was already subjected to custodial interrogation. There is hardly any material found or recovered from the applicant.

5. Learned A.P.P. opposed the application on the ground that the death of deceased Rani has occurred within a period of two years from the date of her marriage. According to him, the investigation is at preliminary stage. The circumstances depict prima facie involvement of the applicant in commission of crime in question.

6. Perused the investigation papers. Learned Counsel for the applicant submits that the child of ten months is in the custody of grandmother and further detention of the applicant is not necessary. Same cannot be the cause for releasing the applicant on bail, as the investigation is going on. The death of Rani, wife of the applicant occurred within two years from the date of her marriage. In this background presumption under Section 113-A of the Evidence Act is attracted.

7. As such, Criminal Application stands rejected.

**( N.W. SAMBRE, J.)**

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