

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1218 OF 2016

Santosh Rambhau Wankar,
Age : 27 years, Occu. Agri.,
R/o Kawalgaon, Tq. Purna,
District Parbhani

APPLICANT

VERSUS

The State of Maharashtra
through Police Station Officer,
Chudawa Police Station, Taluka
Purna, District Parbhani

RESPONDENT

Mr. Swapnil S. Rathi, Advocate for the applicant
Mr. M.B. Bharaswadkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 16/03/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by Chudawa Police Station, Taluka Purna, District Parbhani in Crime No. 01/2016, registered for the offences punishable under section 498-A, 306, 323 read with section 34 of the Indian Penal Code, is praying for his release on bail.

3. Deceased Rohini, the wife of the present applicant, has apparently consumed poison on 21st December, 2015 while residing with the present applicant at village Kawalgaon, Taluka Purna. She died on 4th January, 2016 while taking treatment in Government Hospital at Aurangabad. Upon her death, her brother filed the complaint.

. In the complaint, it is alleged that during the course of one and half year of the married life after about five months, she was illtreated by all her inlaws including the present applicant over a demand of Rs. five lacs. They used to drive her away from the house in the midnight and therefore, she committed suicide.

4. Mr. S.S. Rathi, learned counsel for the applicant, submits that the present applicant is arrested on 8th January, 2016. The investigation is practically complete. He further points towards the dying declaration alleged to have been made by the deceased while she was taking treatment in Sanjivani hospital, Nanded. He further submitted that the statement of the deceased recorded by the police

constable in presence of the medical officer would show that since a premature baby born to the deceased died about four months prior to the present incident, due to mental pressure, she consumed the poison.

5. Learned A.P.P. opposed the application. He submitted that the statement of the doctor of private hospital of the applicant's village would show that after about 3 to 4 hours of the consuming of the poison by the deceased, she was taken to the hospital of the local doctor. He further submitted that there are statements of the relatives of the deceased and in view of the short period of the marriage and the death of the deceased, the presumption would be available.

6. Considering all the facts on record and finding that the investigation is practically over, in my view, the applicant can be released on bail. Hence, the following order.

7. The applicant be released on bail in Crime No. 01/2016, registered with Chudawa Police Station, Taluka Purna, District Parbhani for the offences punishable

under section 498-A, 306, 323 read with section 34 of the Indian Penal Code, on his executing P.R. bond in the sum of Rs. 15,000/- (rupees fifteen thousand) and also upon furnishing surety in the like amount.

. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

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