

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1552 OF 2016

1] Hari Gokul Pawar,
Age : Major, Occu. : Agril.,

2] Gokul Nana Pawar,
Age : Major, Occu. : Household,

Both R/o Mahankalwadgaon,
Tq. Shrirampur, Dist. Ahmednagar .. Applicants

Vs.

The State of Maharashtra,
Through Police Inspector,
Taluka Police Station Shrirampur,
Dist. Ahmednagar .. Respondent

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Mr. K.B. Autade, Advocate h/f Mr. Nikhil P. Ghanwant,
Advocate for the applicant
Mr. A.R. Borulkar, APP for the respondent-State
Mr. H.P. Jadhav, Advocate for assisting the A.P.P.

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CORAM : M.T. JOSHI, J.
DATED : 30/03/2016

ORAL ORDER :

Heard both sides.

2. The present applicants, who are arrested by
Shrirampur Taluka Police Station, Dist. Ahmednagar in

Crime no. 17 of 2016 for the offences punishable under section 498-A, 306, 323, 504, 506 of the Indian Penal Code, are praying for their release on regular bail.

3. Upon hearing, learned counsel for the applicants, on instructions of the applicants, states that applicant no.1 - Hari Gokul Pawar does not wish to press the present application, however, he may be granted liberty to file similar application in the Sessions Court once the Chemical Analyzer's report is received, or after a period of three (3) months from the date of this order, whichever occurs earlier.

4. As regards applicant no.2 - Gokul Nana Pawar, it can be seen that he is old aged father-in-law of the deceased. Statement of the mother of the deceased would show that the deceased - Pallavi was married to applicant no.1 - Hari Gokul Pawar on 08/01/2013. Thereafter, there used to be ill-treatment to her over various domestic counts and also on the ground of demand of Rs.5 Lakhs for the purchase of a four

wheeler. In the circumstances, on 20/10/2015, the complainant received a message that the deceased fell on the ground and, therefore, the complainant visited the hospital, where the deceased was taking treatment. She was however unconscious. From the Medical Officer of the private hospital, the complainant came to know that the deceased had poison in her stomach. Ultimately, on 12/2/2016, the deceased died and, therefore, the complaint came to be filed on 13/2/2016.

5. Learned counsel for the applicants submits that the applicant no.2 – Gokul Nana Pawar is an old aged person. He is behind the bar since 14/2/2016. The investigation regarding him is practically complete. There is no evidence to show that any poison was found in the stomach of the deceased.

6. Learned A.P.P. as well as the learned counsel assisting the A.P.P. opposed the application. They submit that the contents of the stomach are sent by the Investigating Officer to the Chemical Analyzer and the

Chemical Analyzer's report is awaited. They further submit that there is a strong prima facie case against the applicant no.1.

7. Considering the fact that applicant no.2 - Gokul Nana Pawar is an old aged person and investigation qua him is practically complete, the application is allowed to his extent.

8. In the circumstances, the following order:-

I) The application as regards applicant no.1 - Hari Gokul Pawar is disposed of as withdrawn with liberty to the applicant to file application, as and when the Chemical Analyzer's report would be received or after a period of three (3) months from the date of this order, whichever occurs earlier.

II) Applicant no.2 - Gokul Nana Pawar be released on bail in Crime no. 17 of 2016 registered with Shrirampur Taluka Police Station, Dist. Ahmednagar for the offences punishable under section 498-A, 306, 323,

504, 506 of the Indian Penal Code, upon his executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) and also upon furnishing surety in the like amount.

9. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/-