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

CRIMINAL APPLICATION NO. 3863 OF 2016

Bhausahab @ Vaibhav s/o Ashok
Darekar, Age: 27 years, Occ: Service,
R/o. Shiradhon, Tq. Nagar,
Dist. Ahmednagar. ..APPLICANT

VERSUS

The State of Maharashtra
through Investigation Officer,
Nagar Taluka Police Station,
Tq. Nagar, Dist. Ahmednagar. ..RESPONDENT

Mr N.B. Narawade, Advocate for applicant;
Ms R.P. Gour, Addl. Public Prosecutor for
respondent

CORAM : N.W. SAMBRE, J.

DATE : 25th July, 2016

ORDER :

The applicant is seeking pre-arrest bail
in Crime No.70 of 2016, registered on 13th March,
2016 with Nagar Taluka Police Station, District
Ahmednagar, for the offence punishable under
Sections 306, 498-A, read with Section 34 of the
Indian Penal Code, for the alleged incident dated

(2)

13th March, 2016.

2. The prosecution case against the applicant is that the applicant was married to deceased Rupali on 22nd February, 2015. The applicant was working in Army and posted at Secunderabad on the date of incident. Rupali committed suicide by consuming poison at her in-laws place on 12th March, 2016, resulting into arrest of father and mother of applicant i.e. father in law and mother in law of deceased Rupali. Said accused persons are already released on regular bail.

3. While seeking pre-arrest bail in the present matter, Mr. Narwade, learned Counsel for the applicant would submit that on the date of incident, the applicant was on duty at Secunderabad, which is located about 500 kms. away from the place of incident and as such, there is no involvement of the applicant in question, as deceased Rupali was away from the applicant for last two months. He would submit that the

(3)

applicant being public servant, is very much available for the investigation and also for investigation purpose.

4. Learned A.P.P. opposed the application on the ground that the applicant's conduct was not up to the mark as he was always doubting the chastity of the deceased Rupali, which has prompted her to commit suicide by consuming poison. According to him, custodial interrogation of the applicant is necessary, particularly in view of Section 113-A of the Indian Evidence Act.

5. Having bestowed my thought to the submissions made, it is to be noted that the place where the applicant is posted is almost 500 kms. away from place of his parents, where Rupali committed suicide. Apart from above, father and mother of the applicant were already arrested and were subjected to custodial interrogation.

6. The applicant being a public servant,

(4)

posted in Indian Armed Forces, is very much available for investigation.

6. In view of above, the applicant is entitled to be released on bail. Hence, the following order:-

(i) In the event of arrest of the applicant, in connection with Crime No.70 of 2016, registered with Nagar Taluka Police Station, District Ahmednagar, for the offence punishable under Sections 306, 498-A, read with Section 34 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/-, with one surety in the like amount.

(ii) The applicant shall attend the concerned police station with advanced intimation to the Police Officer of the concerned police station.

(iii) The applicant shall not tamper with the prosecution evidence or influence the prosecution

(5)

witnesses.

7. Criminal Application stands allowed in
above terms.

(N.W. SAMBRE, J.)

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