

Criminal Application No. 4701 of 2016

District : Nanded

versus

The State of Maharashtra. .. Respondent.

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Mr. Joydeep Chatterji, Advocate, for applicant.

Mr. A.S. Shinde, Addl. Public Prosecutor, for the respondent.

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CORAM : A.M. BADAR, J.

DATE : 14TH SEPTEMBER 2016

ORAL ORDER:

Applicant - husband of the deceased /
accused in Crime No. 232/2016 for offences punishable
under Sections 498A, 304B, read with Section 34 of
the Indian Penal Code, registered with Police
Station, Nanded (Rural), District Nanded, by this
application under Section 439 of the Code of Criminal
Procedure, is seeking bail.

2. Heard the learned Counsel appearing for the applicant / accused, as well as the learned Addl. Public Prosecutor appearing for the respondent / State.

3. The learned Addl. Public Prosecutor opposed the application by contending there was demand of dowry of Rs. 5,00,000/- apart from additional demand of Rs. 25,00,000/- for purchase of house and statement of relatives as well as the FIR goes to show that deceased Sangita was used to be illtreated with cruelty on account of demand of dowry and further amount of Rs. 25,00,000/-.

4. Perused the FIR as well as papers of investigation. Sangita married the present applicant in the year 2010 and she was having two issues out of this wedlock. Sangita committed suicide on 12.07.2016 by hanging herself.

5. The crime in question is registered on the basis of report lodged by father of Sangita, namely Madhav s/o. Govindrao Dhulshette. It is averred by the informant / father that at the time of marriage, he paid dowry of Rs. 10,00,000/- and Rs. 5,00,000/- were in balance. The informant / father further reported that the present applicant as well as co-accused were providing stale food to Sangita; they were not allowing Sangita to sleep with the present

applicant and accused persons were assaulting Sangita by stating that they does not like her. It is further reported that on 11..07.2016, Sangita had contacted her mother telephonically and informed her that accused persons are demanding balance amount of Rs. 5,00,000/- towards dowry and further amount of Rs. 25,00,000/- for purchase of a house.

6. My attention is drawn to the sale deed executed on 14.06.2015 in favour of the present applicant by Akruti Developers. The learned Counsel for the applicant submits that the row house was purchased by the present applicant by paying entire consideration on 14.06.2016 itself and therefore there was no reason to demand further amount of Rs. 25,00,000/- from parents of deceased Sangita.

7. For attracting provisions of Section 304B of the IPC, subjecting a married woman to cruelty for and on account of demand of dowry and her death within seven years of her marriage are relevant factors. In the present case, averments are to the effect of not providing fresh food, not allowing the deceased to sleep with her husband and that of assaulting her.

8. Prima facie it is seen that investigation of the crime in question is substantially over. Considering the nature of averments against present

applicant, his further pre-trial detention is not warranted.

9. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, be released on bail on his furnishing P.R. Bond in the sum of Rs. 25,000/- and on executing one or more solvent sureties of the like amount, on the following conditions :-

(i) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(ii) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial, in the event of filing charge-sheet against him.

(iii) The applicant shall not repeat commission of similar type of offences in future.

10. The Application stands disposed of in the
aforesaid terms.

(A.M. BADAR)
JUDGE

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