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

CRIMINAL APPLICATION NO.5768 OF 2016

Ajinath s/o Baban Raut,
Age : 24 yrs. Occu. Labour
R/o Rautvasti, Nalwandi,
Post Karegaon, Tq. Patoda,
Dist. Beed

..APPLICANT

VERSUS

The State of Maharashtra
Through Police Station Officer
Kotwali Police Station
Dist. Ahmednagar

..RESPONDENT

Mr Nitin V. Gaware, Advocate for applicant;
Mr R.V. Dasalkar, Addl. Public Prosecutor for respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 18th November, 2016

ORAL ORDER :

Heard.

2. The applicant apprehends arrest in connection with C.R. No.I-229 of 2016, registered at Kotwali police station, Dist. Ahmednagar, for offences punishable under sections 498-A, 506 , 306 read with section 34 of the Indian Penal Code.

3. The report in question has been lodged by the father-in-law of the applicant, in which it is stated that his daughter was married with the applicant and that she was being illtreated at her matrimonial house. His

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daughter intended to leave the company of her husband and hence, on 9th July, 2016 the complainant's wife and son had been to their place to fetch her. After meeting her mother, the said daughter poured kerosene on her body and got herself burnt.

4. It is submitted on behalf of the applicant that in the first information report, vague statements have been made with regard to illtreatment of deceased. It is submitted that the deceased committed said act out of her own frustration and offence under section 306 of the Indian Penal Code would not be made out. The learned Counsel for the applicant has sought to draw support from the order dated 6th October, 2016 in Criminal Application No.5420 of 2016, wherein this Court has observed that the statement of the deceased did not implicate the applicant.

5. The application is opposed by the learned Addl. Public Prosecutor by relying upon the police papers. He has referred to the statement of the deceased, dated 9th July, 2016 and has submitted that on perusal of the same, it is clear that the deceased had grievance against the applicant.

6. Perused the police papers as well as order dated 6th October, 2016, referred to above. The statement dated 9th July, 2016 does not indicate that the deceased had complained about cruel treatment. The observations of this court in the aforesaid order made in paragraph 5 thereof, support the stand of the present applicant. I do not find any other reason to take a different view. In that view of the matter, the applicant

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would be entitled for protection.

7. In view of aforesaid, the ad interim order dated 19th October, 2016, passed in the present proceedings, stands confirmed on the same terms and conditions.

In the event of applicant's arrest, in connection with C.R. No.I-229 of 2016, registered at Kotwali police station, Dist. Ahmednagar, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall not extend any threat, inducement or promise to the prosecution witnesses so as to dissuade them from disclosing the same either to the police or to the court.

The applicant shall not tamper the evidence of the prosecution.

Application stands allowed in above terms.

(A.S. CHANDURKAR, J.)

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