

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO.49/2016

Sagar S/o Shrikant Ghonge

..Versus..

State of Maharashtra, through Rana Pratap Nagar Police Station, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 24.2.2016

Heard Shri Uday Dable, advocate for the applicant and Shri N.B. Jawade, A.P.P. for the non-applicant.

The applicant is seeking pre-arrest bail in connection with crime registered against him for the offence punishable under Sections 306, 498-A read with 34 of the Indian Penal Code. The accusation against the applicant is that because of the ill-treatment meted out by him to his wife, she has committed suicide. The matrimonial home of deceased is at Nagpur and her maternal home is at Akola. The facts on the record show that disputes were going on between the deceased and the applicant and on the date of incident, the applicant, his father and his mother went to meet parents of deceased and were at Akola. The allegation is that the deceased has left a note which

shows that she has committed suicide because of the ill-treatment meted out to her. The learned A.P.P., on the earlier date of hearing, had made a complaint that the applicant is not co-operating with the investigation and the cell phone on which messages were exchanged between the applicant and deceased is to be recovered. Today it is submitted that the applicant has surrendered the cell phone.

The learned A.P.P. has submitted that the custody of applicant is required for procuring the alleged agreement which was written by the deceased in her handwriting when the dispute between the deceased and applicant was resolved on the earlier occasion. It is submitted that the document is necessary for comparing the handwriting of deceased to prove that the alleged note left by the deceased is in her handwriting.

In my view, the investigating agency can find out documents in handwriting of deceased and it cannot be said that the custody of applicant is necessary for that purpose.

The applicant is a highly qualified person and is employed in private sector. According to the applicant, he has not been involved in any crime earlier and this fact is not controverted by the non-applicant.

Considering the facts on the record, I am convinced that the applicant is entitled for pre-arrest bail.

Hence, the following order is passed:

- (i) The interim order granted by this Court on 10th February, 2016 is confirmed.
- (ii) In the event of arrest of applicant in relation to Crime No.5/2016 registered by the non-applicant, the applicant shall be released on bail on furnishing P.R. bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only) with two solvent sureties in the like amount.
- (iii) The application is **allowed** in the above terms.

No orders as to costs.

CRIMINAL APPLICATION (APPP) NO.105/2016.

In view of disposal of main application, this application does not survive and is **disposed** of accordingly. No orders as to costs.

JUDGE