

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 5796 of 2017.**

Ashok s/o Rupsing Aade,
Age 50 years, Occ. Agril,
R/o. Waywali Tanda, Tq.
Himayatnagar, Dist. Nanded. ... Applicant.

VERSUS.

The State of Maharashtra,
Through Police Station Bhokar,
District Nanded. ... Respondent.

...

Advocate for the Applicants : Mr. S.J. Salunke.
APP for Respondent/State : Mr. K.N. Lokhande.

CORAM : V.L. ACHLIYA, J.

DATE : 21st November, 2017

ORAL ORDER:

1. The applicant has filed this application under section 439 of the Code of Criminal Procedure for released on bail for the offences punishable under section 306, 506 read with section 34 of the Indian Penal Code, registered vide Crime No. 283/2017 registered at Bhokar police station, District Nanded,

2. Heard learned counsel for the applicant and learned A.P.P. for the State. Perused the first information report, papers of investigation, as well as the order passed by the learned Additional Sessions

Judge, Bhokar.

3. In nutshell, it is contention of the learned counsel for the applicant that if the allegations made in the FIR are taken into consideration then role attributed to applicant confines to caused threat to informant that if she refuse to perform marriage of Reena with his nephew Nitin (i.e. accused No. 1) then they will abduct her sister and perform her marriage with Nitin. He submits that if the allegations are taken into consideration it make out no offence under section 306 of IPC as against the applicant. It is submitted that the investigation is practically over. It will take long time to proceed with the trial. The applicant is ready and willing to abide by any conditions that may be imposed in the event of his released on bail, which include to reside out side the village till conclusion of investigation and filing of charge-sheet.

4. On the other hand learned APP has opposed the application with contention that investigation is in progress. Statement of the witnesses required to be recorded under section 164 of Cr.P.C and the released of applicant may hamper the ongoing investigation.

5. On due consideration of the submissions advanced in the light of FIR, I am of the view, the case is made out to entertain the application. If we consider the allegations made in the FIR in its totality, then the role attributed to the applicant in commission of offence confines to tell the informant to perform the marriage of her sister with his nephew otherwise marriage will be performed by abducting her sister. Thus considering the overall allegations against the applicant, I am of the view, the applicant deserves to be released on bail. The release of the applicant will not affect the on going investigation. The witnesses in the case is sister and other family members of the deceased. The offence under section 306 of Indian Penal Code is primarily attracted against the nephew of applicant i.e. accused No. 1, who made her photographs viral on WhatsApp. Hence the following order.

O R D E R

1. Application is allowed.
2. Applicant be released on bail in Crime No. 283/2017 registered at Bhokar police station, District Nanded, for the offences punishable under section 306, 506 of the Indian Penal Code on his furnishing bail in the sum of Rs.

25,000/-with one surety in like amount, on following conditions.

- (i) Applicant shall not enter into local limits of village Waywali Tanda Tq. Himayatnagar, District Nanded, till filing of charge-sheet.
- (ii) The applicant shall not indulge into any act amounting to tampering with prosecution witnesses.
- (iii) The applicant shall furnish the names and addresses of his three close relatives with their phone numbers.
- (iv) The applicant shall attend police station Bhokar, District Nanded, on every Sunday in between 10 a.m. to 11 a.m., till filing of charge-sheet.

3. Bail to be furnished in the Trial Court.

6. Criminal application stands disposed of in above terms.

(V.L. ACHLIYA, J.)

mkd/-