

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1668 OF 2017

Dattatraya @ Pappu Bhima Dolas vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Uday Nigot for the Applicant.

Mr. S.H. Yadav, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 5th October, 2017.

P.C.

1. This is an application for bail under Section 439 of the of the Cr.P.C. in CR No. 14 of 2017 registered with Junnar Police Station, Pune under Section 302, 498A, 323, 504 read with 34 of the Indian Penal Code.

2. It is the case of the prosecution that deceased Pratima and the applicant were having love affair and got married on 12.5.2013. That, the applicant and his mother did not treat deceased properly i.e. they did not provide her proper food and used to ask her to do labour work in the agriculture field at their village. It is alleged that on 28.11.2016 at about 8.00a.m. the applicant assaulted deceased Pratima with fist and kick blows on the ground that she did not complete the work of grass cutting within stipulated period. Pratima informed the said fact to her father on telephone who took her to her parental house on 29.11.2016. As Pratima was having severe pains in her abdomen, the first informant along with Pratima

thereafter went to Junnar police Station and lodged complaint against the applicant. That, on 30.11.2016 Pratima started feeling uncomfortable due to pains in her stomach and therefore, she was admitted to Primary Health Centre at Ghodegaon, District Pune. Pratima expired on 1.12.2016. During the course of investigation police arrested the applicant on 19.1.2017. The final cause of death given by the Medical Officer, Rural Hospital Ghodegaon, Tal. Junnar mentions that “shock due to trauma to internal organs”. After completion of investigation the police have submitted charge sheet.

3. Heard the learned counsel for the applicant and the learned APP. Perused the charge sheet.

The record indicates that the alleged incident of assault by applicant to Pratima took place at about 8.00a.m.on 28.11.2016. That, after taking medical treatment Smt.Pratima lodged complaint with Junnar Police Station on 29.11.2016 and when she started feeling more uncomfortable with pains she was admitted to Rural Hospital on 30.11.2016. As stated earlier Smt. Pratima expired on 1.12.2017. Thus, from the material available on record, prima facie, it appears that on 28.11.2016 at about 8.00 a.m. the applicant did not have intention to commit culpable homicide amounting to murder of Pratima and had assaulted her in the fit of anger.

4. In view of the above, the applicant can be released on bail.

Hence, the following order.

a) The applicant be released on bail in CR No. 14 of 2017 registered with Junnar Police Station, District Pune on his furnishing PR bond of Rs.15,000/- with one or two local sureties in

the like amount.

- b) After his release from Jail, the applicant shall attend the concerned police station on every first Monday of the month between 11.00 a.m. to 2.00 p.m.
- c) The applicant shall also attend all the dates before the Trial Court.
- d) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.
- e) The applicant shall not tamper with the evidence and /or influence the prosecution witnesses.

Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)