

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1988 OF 2017

Tejas@ Shahaji Laxman Ombase ..Applicant.

v.

The State of Maharashtra .Respondent.

Mr. D.D.Rananaware for the Applicant.

Mr.Prashant Jadhav, APP. for the State.

Mr. D.D.Date, Police Constable,Dahiwadi Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 18th September, 2017.

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.68/2017 dated 4.3.2017 registered with Dahiwadi Police Station,District Satara under Sections-498(A), 304(B), 306, 354, 323, 504,506 read with 34 of the Indian Penal Code.

2. The applicant is the husband of the deceased Smt. Ashwini. It is the prosecution case that the applicant and the deceased Smt. Ashwini married on 13.7.2016 as per Hindu Vedic Rites. That, the applicant, his mother Ladubai, father Laxman, brother Sandip and the sister in law Deepali used to harass the deceased on one or other reason. That, on 4.3.2017, at about 11.00 a.m. the deceased Smt. Ashwini and her mother-in-law i.e. Ladubai had altercations and the applicant assaulted the deceased by hand. That, the applicant thereafter left the house for bringing fodder to the animals. That, the deceased got annoyed for the said continuous harassment and therefore she brought

poison used for killing rats and consumed the same by mixing in water. After the applicant came to the house she informed the said fact to him and thereafter he took her to Government Hospital on motor cycle. After admitting the deceased in hospital a dying declaration of Smt. Ashwini came to be recorded. There, she has stated the aforesaid fact. Deceased Smt. Ashwini expired on 4.3.2017. In the premise, the first information report is lodged.

3. During the course of investigation the applicant came to be arrested on 4.3.2017 and after completion of investigation, the police have submitted charge sheet.

4. Perused the charge sheet. Prima facie, it appears that there was no demand of dowry from the deceased Smt. Ashwini as it prima facie appears from her dying declaration . In view of the same, it further prima facie raises a doubt about the application of Section 304B of the I.P.C. As stated earlier, the police have completed the investigation and charge sheet has already been filed. It is submitted that there are no antecedents at the discredit of the applicant. In view thereof, it appears that further incarceration of the applicant is not warranted and the applicant can be released on bail.

5. Hence, the following order.

a) The applicant be released on bail CR No.68/2017 dated 4.3.2017 registered with Dahiwadi Police Station, District Satara on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties

in the like amount.

- b) After his release from the jail, the applicant shall attend the Dahiwadi Police Station District Satara once in month i.e. on every 1st Monday of the month between 11.00 to 2.00p.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 provision of cancellation of bail,
- e) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- f) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)