

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

CRIMINAL APPLICATION (ABA) NO.278 OF 2017

(Ananta Ganesh Mahalle..vs..State of Maharashtra, through PSO.PS.Barshitakli,District-Akola)

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

Court's or Judge's orders.

Shri S.V.Sirpurkar, Advocate for applicant.

Shri J.Y.Ghurde, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 8 , 2017

This is an application under Section 438 of Code of Criminal Procedure, since the applicant who is brother in law of deceased Swati is apprehending his arrest in connection with Crime No.105/2017, registered with P.S.Barshitakli, District-Akola, for the offence punishable under Sections 498-A and 304(B) read with Section 34 of the Indian Penal Code.

2] I have heard Shri S.V.Sirpurkar, learned advocate for applicant and Shri J.Y.Ghurde, A.P.P. for State-non-applicant.

3] The F.I.R. is lodged by Avinash Narayan Aakhre, the elder brother of deceased Swati. The marriage of Swati was performed with Dattatraya Ganesh Mahalle, the brother of present applicant. From the wedlock Swati delivered a girl child. It is to be mentioned that husband Dattatraya is not joined as accused in the F.I.R.

4] Swati committed suicide by pouring kerosene on herself. When the first informant visited ICON Hospital where at Swati was admitted he found that she was not in a position to speak. According to F.I.R. when the deceased used to come to her parental house it was disclosed by her that the present applicant used to pass comments that her parents has given less dowry. In my view, the recitals in the F.I.R. show that the applicant can be granted anticipatory bail. Hence, the order.

ORDER

- I) The application is allowed.
- II) In the event of arrest of applicant Ananta Ganesh Mahalle in connection with Crime No. 105/2017, registered with P.S.Barshitakli,District-Akola, for the offence punishable under Sections 498-A and 304(B) read with Section 34 of the Indian Penal Code,he shall be released on bail on his executing P.B. of Rs. 5000/-.
- III) The applicant shall attend P.S.Barshitakli, District-Akola as and when call by the investigating officer by giving him prior written intimation of 48 hours.
- IV) The applicant shall extend full cooperation to the investigating officer.
- V) The applicant shall not tamper the prosecution witnesses.

JUDGE