

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (BA) NO. 973/2017
(MOTIRAM KUNDLIK DAPSE & ANOTHER **VERSUS** STATE OF MAHARASHTRA, THR. PSO PS
MANORA, DISTRICT WASHIM)

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

Court's or Judge's orders

Shri A.B. Mirza, counsel for the applicant.
Shri J.Y. Ghurde, A.P.P. for the non-applicant.

CORAM : A.S. CHANDURKAR, J.

DATE : OCTOBER 13, 2017.

The applicants, who have been arrested on 07.09.2017 in Crime No.299/2017 for the offences punishable under Sections 498-A, 306 read with Section 34 of the Indian Penal Code registered with Police Station Manora, District Washim, seek their release on bail.

As per the first information report lodged by one Rajanand, his daughter was married with the son of applicant no.1 and brother of applicant no.2. This marriage took place on 28.02.2014. In the report, it was stated that as his daughter did not conceive after the marriage, she was being constantly harassed by her husband and in-laws. On 06.09.2017, his daughter consumed poison and thus, expired. The report was lodged on the next day. The applicants were accordingly arrested.

It is submitted on behalf of the applicant that they have been falsely implicated in the offence. The deceased committed suicide as she could not conceive for more than three years of the marriage. The report as lodged is in general terms and no specific allegations have been levelled against the applicants. It is further submitted that no further

investigation, insofar as the present applicants are concerned, is required to be done.

The application is opposed by learned Additional Public Prosecutor by relying upon the reply. It is submitted that the statements of the informant and his family members indicate ill-treatment at the hands of the accused. The investigation is yet to be completed and hence, at this stage, applicants do not deserve to be released on bail.

Perused the first information report as well as the reply. The deceased was married on 28.02.2014 and it appears that she could not conceive for more than three years. The death has occurred on account of consuming poison. The statements of the parents of the deceased indicate ill-treatment at the hands of the in-laws. Considering the general nature of these statements, I find that the applicants herein are entitled to be released on bail. There does not appear any question of further investigation insofar as the present applicants are concerned.

Hence, the criminal application is allowed. The applicants, who have been arrested pursuant to Crime No.299/2017 for the offences punishable under Sections 498-A, 306 read with Section 34 of the Indian Penal Code registered with Police Station Manora, District Washim be released on furnishing P.R. Bond in the sum of Rs.20,000/- each with one surety in like amount. The applicants shall initially attend the concerned police station on 07.11.2017 and thereafter as per the directions of the Investigating Officer. The applicants shall not take any steps to tamper with the prosecution witnesses. The observations made in this order are only for deciding the bail application.

The criminal application stands disposed of.

JUDGE

APTE