

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

CRIMINAL APPLICATION (BA) NO.1180/2017

Smt. Shyma wd/o Rajaram Nayak

..vs..

The State of Mah., thr. PSO PS Tahsil, District Nagpur

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

Court's or Judge's Order

Shri C.R. Thakur, Counsel for the applicant.

Mrs. Geeta Tiwari, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 15, 2017.

1. Heard learned counsel Shri C.R. Thakur for the applicant and learned Additional Public Prosecutor Mrs. Geeta Tiwari for the State.

2. The applicant is arrested on 8.9.2017 in connection with Crime No.264 of 2017 registered with Police Station Tahsil, District Nagpur for the offences punishable under Sections 304(B) and 498(A) read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. The investigation is completed and the charge is already filed on record. The present applicant is the mother-in-law of deceased Neha whose marriage was performed with son of present applicant Chandrakant on 31.5.2017. Neha committed suicide by hanging within a span of 3½ months.

4. According to the prosecution, the present applicant used to cause ill-treatment to the deceased.

5. The first information report shows that the allegations against the present applicant are most general in nature. Though the State has filed reply on behalf of the prosecution, no specific incidents are pointed out to show that the applicant was responsible to cause such harassment to the deceased by which it could be said that there was no option for her but to commit suicide.

6. In view of this type of evidence and when the charge-sheet is filed, in my view, the applicant, who is a lady, need not continue her custodial presence further. Consequently, I pass the following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant Smt. Shyma wd/o Rajaram Nayak, in connection with Crime No.264 of 2017 registered with Police Station Tahsil, District Nagpur for the offences punishable under Sections 304(B) and 498(A) read with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, the applicant be released on bail on her executing a P.R. Bond in the sum of Rs.5,000/- with one

solvent surety of the like amount.

**(iii) With this, the criminal application is allowed
and disposed.**

JUDGE

!! BRW !!