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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2623 OF 2018

WITH

CRIMINAL APPLICATION NO.1397 OF 2018

Babasaheb Kisan Raut ..Applicant.

V/s.

State of Maharashtra ..Respondent.

AND

Mangal Kailash Mahajan ..Intervenor.

Mr.Sandeep Mishra for the applicant.

Mr.A.R.Kapadnis, APP for the respondent-State.

Mr.Kartikk S.Garg for the intervenor.

CORAM: NITIN W.SAMBRE, J.

DATE : NOVEMBER 19, 2018

P.C.:-

Heard the learned counsel for the applicant, intervenor and the learned APP.

2. In Crime No.97/2018 for an offence punishable under section 306, 498(A), 509 read with 34 of the Indian Penal Code registered with Wagle police station, Thane, the applicant-husband

came to be arrested on May 26, 2018 and charge-sheeted on July 20, 2018.

3. The allegations against the present applicant is demand of dowry and death within seven years from the date of marriage, which has resulted in the registration of crime in question.

4. Learned counsel for the complainant who assisted learned APP has strenuously opposed the bail on the ground of presumption under section 113B of the Evidence Act and the Dowry Prohibition Act, 1961.

5. It is not in dispute that the applicant is subjected to custodial interrogation and was accordingly charge sheeted. The offence under section 306 of the Indian Penal Code is punishable with maximum imprisonment of 10 years. Considering the statement of the Dr.Mane and other material on record, in my opinion, case for grant of bail is made out. Hence the order.

- i) The applicant be released on bail in Crime No.97/2018 for an offence punishable under sections 306, 498(A), 509 read with 34 of the Indian Penal Code registered with Wagle police station, Thane upon his furnishing P.R. Bond of Rs.15,000/- with two sureties in the like amount;

- ii) He shall not influence or tamper with the prosecution witnesses;
- iii) The application is disposed of accordingly.
- iv) The application for intervention also stands disposed of.

(NITIN W.SAMBRE, J.)