

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

CRIMINAL APPLICATION (ABA) NO.80/2018

Pradumn Uttamsing Rathod

..VS..

State of Mah., thr. PSO, Karanja Lad (Rural) Taluka Karanja, District Washim

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

Court's or Judge's Order

Shri A.R. Chauhan, Counsel for the applicant.

Shri N.R. Rode, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 20, 2018.

1. An additional reply, to support reply-affidavit dated 8.2.2018, is tendered in the Court by learned Additional Public Prosecutor Shri N.R. Rode for the State. The said is taken on record.

2. By the present application, the applicant is seeking his pre-arrest bail in connection with Crime No.104/2017 registered with Police Station Karanja Lad (Rural), District Washim for the offences punishable under Sections 498(a), 304, and 316 read with Section 34 of the Indian Penal Code.

3. Heard learned counsel Shri A.R. Chauhan for the applicant and learned Additional Public Prosecutor Shri N.R. Rode for the State

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4. Perused the investigation papers, as tendered by learned Additional Public Prosecutor before him, and also I have gone through the reply filed on behalf of the prosecution.

5. The complainant's marriage with the applicant was solemnized prior to 7 months of lodging of First Information Report (FIR). The FIR is lodged on 13.12.2017.

6. As per the FIR, date of occurrence is in between 8.12.2017 and 9.12.2017. As per the FIR, the complainant along with the applicant and her mother-in-law and her father-in-law resides jointly. The applicant owns 32 acres of land. According to the FIR, right from the date of marriage, the applicant and her in-laws used to torture the complainant by saying that they are rich and the complainant is from poor family and her parents have given less dowry.

7. It is also stated in the FIR that her married sister-in-law Sadhana used to come at Lohgaon, the matrimonial place of the complainant and there she used to exort the applicant and the complainant's mother-in-law to cause torture to the complainant.

8. It is also stated in the FIR that the applicant used to say that he is not intending to have progeny from the complainant and he has married only for the purposes that he wants a servant in his house.

9. It is stated in the FIR that the applicant has given a kick blow on the stomach of the complainant, resulting into mis-

carriage. Therefore, the FIR was lodged.

10. The FIR itself shows that the complainant was taken to the hospital by the applicant himself. Not only that, from the said hospital the complainant was taken to another hospital by the applicant. It appears from the FIR itself that there is a matrimonial discord between the complainant and the applicant. In that background, delay in lodging the FIR assumes its importance.

11. On 8.2.2018, the applicant was granted *interim* protection on conditions that he shall attend Police Station Karanja Lad (Rural), District Washim on 10th, 11th, and 12th of February 2018 and shall be with the investigating officer from 11:00 a.m. to 5:00 p.m..

12. The additional reply filed today by the prosecution shows that as per the directions given by this Court, the applicant has attended the police station and he was interrogated by the investigating officer. The additional reply also shows that the investigation is already over and only formality of filing of the charge-sheet is remained to be done and as per the reply, the charge-sheet will be filed within a period of 10 days.

13. The applicant is already interrogated. His statement is already recorded. There is nothing to be seized from the applicant. He has already extended full cooperation to the investigating officer.

14. In view of cumulative effective of all the discussions made in forgoing paragraphs, in my view, the applicant has made out a case for grant of anticipatory bail in his favour. Consequently, I

pass the following order:

ORDER

- (a) The criminal application is allowed.
- (b) In the event of arrest of Applicant-Pradumn Uttamsing Rathod, the applicant be released on bail in connection with Crime No.104/2017 registered with Police Station Karanja Lad (Rural), District Washim for the offences punishable under Sections 498(a), 304, and 316 read with Section 34 of the Indian Penal Code on he executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount.
- (c) The applicant shall attend the police station as and when he is called by the investigating officer. However, for that the investigating officer shall give a clear-cut 48 hours written communication to the applicant.
- (d) It is made clear that the observations made in this order are purely for deciding the application for grant of bail only and learned Judge of the Court below, who shall be trying the case, shall not get influenced by the observations made in this order.

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(e) With this, the criminal application is allowed and disposed of.

JUDGE

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