

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

CRIMINAL APPLICATION (BA) NO.124/2018

Santosh Madhukarrao Choudhari ..Vs.. State of Maharashtra through PSO
P.S. Butibori, Nagpur.

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

Court's or Judge's orders.

Mr. G. B. Hemke, Advocate for applicant.

Mr. M. K. Pathan, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 12, 2018

1. Heard Mr. G. B. Hemke, Advocate for applicant and Mr. M. K. Pathan, A.P.P. for non applicant-State.

2. The applicant is arrested in connection with Crime No.360/2017 registered with Police Station, Butibori, Nagpur for an offence punishable under Sections 306, 498 (A) of the Indian Penal Code read with Section 3 and 4 of the Dowry Prohibition Act.

The applicant is arrested on 26.07.2017 and from the said date, he is languishing in jail. The investigation is already complete and the charge-sheet is also already filed.

3. From the charge-sheet, it is clear that the statement of the deceased Ranjana was recorded by Police Station Officer, Police Station, Butibori, Nagpur when she was admitted in the hospital. It is dated 11.07.2017. Her statement shows that the present applicant was indebted and she was under tension as to how the present applicant will repay the said debts and in that she has consumed poison. Her another statement was recorded on 12.07.2017. The said also shows that she on her own consumed poison due to

indebtedness of her husband. None of these two statements show that at any point of time, the applicant has done any harassment. The prosecution case, according to the charge-sheet relies on the statement of the near relatives of the deceased and the daughter of the present applicant, who is a child witness and she resides along with the parents of the deceased.

4. In that view of the matter, when the investigation is over, in my view, the applicant has made out a case for grant of bail. Hence, following order is passed.

ORDER

- (i) Criminal Application No.124/2018 is allowed.
- (ii) The applicant-Santosh Madhukarrao Choudhari be released on bail in connection with Crime No.360/2017 registered with Police Station, Butibori, Nagpur for an offence punishable under Sections 306, 498 (A) of the Indian Penal Code read with Section 3 and 4 of the Dowry Prohibition Act on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.
- (iii) The observations made in the order are prima facie in nature and made only for the limited purpose of deciding the present application for bail. The learned trial Judge shall not get influenced by any of the observations made in this order.

The application is disposed of accordingly.

JUDGE