

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

CRIMINAL APPLICATION (BA) NO.471 OF 2018

(Gajanan Maniram Pawar Vs. The State of Maharashtra thr. PSO PS Mangrulpir, Dist. Washim)

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

Court's or Judge's orders.

Shri P.V. Navlani, Advocate for Applicant.
Shri S.B. Bissa, APP for Respondent-State.

CORAM: ROHIT B. DEO, J.

DATE: 15th MAY, 2018.

The applicant is facing prosecution under Section 498-A, 306 read with 34 of the Indian Penal Code vide Crime 122/2018 registered at the Mangrulpir Police Station, Washim.

The applicant, who is in judicial custody is seeking bail under Section 439 of the Criminal Procedure Code.

I have perused the investigation papers. The deceased Aarti Gajanan Pawar, the wife of the applicant suffered burn injuries on 09.04.2018 and expired on 14.04.2018 while under going treatment. The First Information Report is lodged by the brother of the deceased on 14.04.2018.

The statement of the deceased is recorded by the police on 10.04.2018 after obtaining the fitness certificate from the R.M.O. of the private hospital. The purported statement dated 10.04.2018 absolves the accused of any

complicity. Shri Bissa, the learned Additional Public Prosecutor strenuously opposes the application for bail contending that the witnesses have specifically stated in the 161 Cr.P.C. statement that the deceased was subjected to mental and physical harassment and was driven to commit suicide. Be that as it may, *prima facie*, the investigation appears to be nearly complete. The probative value of the dying declaration and other material on record is a matter to be addressed by the Trial Judge. However, at this stage, in view of the dying declaration which absolves the applicant from blame and states that the deceased Aarti suffered burn injuries accidentally, I am inclined to allow the application.

The applicant shall be released on furnishing P.R. Bond of Rs.20,000/- with one solvent surety of the like amount.

The applicant shall report the Police Station Mangrulpir, District Washim on every Monday and Wednesday between 10:00 a.m. to 12:00 noon till the filing of the charge-sheet.

The applicant shall not tamper with the evidence or influence the witnesses in any manner and shall cooperate with the investigating agency.

Steno copy of this order be furnished to the learned Counsel for the applicant as per rules.

JUDGE