

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

CRIMINAL APPLICATION (ABA) NO.421 OF 2018

(Sachin s/o Uttamrao Langhade ..vs.. State of Maharashtra, through PSO, PS Pusad (Rural))

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

Court's or Judge's orders

Shri P.S. Chawhan, Counsel for the applicant,
Shri N.B. Jawade, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 06-07-2018

The applicant is apprehending arrest in Crime 144/2018 registered with Police Station Pusad (Rural) for offence punishable under Sections 498-A and 306 read with Section 34 of the Indian Penal Code.

2. The case of the prosecution is that the wife of the applicant Nilawati consumed insecticide on 14-5-2018 and succumbed on 19-5-2018. A Complaint was lodged by the brother of the deceased on 21-5-2018, the gist of which is that Nilawati was driven to commit suicide due to the ill-treatment and harassment of the applicant and his family members.

3. The submission of the learned Counsel is that when Nilawati feeling ill, he immediately shifted her to Lifeline Hospital, Pusad and informed the relative of Nilawati one Satish of her ill health. The applicant then shifted Nilawati to Apollo Hospital, Hyderabad on

19-5-2018 and the doctors at Apollo opined that Nilawati was critical and there was hardly any chance of survival. The applicant was advised to remove the live support system and to move Nilawati to Pusad Hospital. Nilawati was moved to Rural Hospital, Pusad where she was declared dead.

4. Considering the material on record, I do not think that custodial interrogation of the applicant is necessary. The complaint is lodged a few days after the consumption of insecticide and two days after the death. It is of course for the trial Court to consider the implication of the delay, which the prosecution can always explain during the course of the trial. However, at this stage, I am satisfied that the applicant has made out a case for grant of anticipatory bail.

5. The application is allowed.

6. The interim order dated 20-6-2018 is confirmed with the modification that the applicant shall attend the Police Station Pusad (Rural) as and when called upon to do so by the Investigating Officer.

JUDGE

adgokar