

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

CRIMINAL APPLICATION (BA) NO.947/2018
 Hariram s/o Shaligram Dandale Vs. State of Maharashtra

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

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Court's or Judge's Orders

CORAM : M.G.GIRATKAR, J.

DATE : 26.10.2018

Heard Shri Anil Mardikar, learned Senior Counsel for the applicant. He has submitted that the applicant is the father-in-law of deceased. The deceased was married with son of the applicant. The deceased died on 12.09.2018.

The learned senior counsel further submitted that on the report of the father of the deceased, applicant his wife and his two sons are arrested on 12.09.2018 and since then, they are in jail. The application moved by the applicant came to be rejected by the Sessions Court.

Learned Senior Counsel has pointed out page nos. 25, 26 and 27 of the compilation and submitted that the present applicant along his wife are residing separately from the deceased and her husband. He has also pointed out the judgment in the case of Kans Raj Vs. State of Panjab and others, reported in 2000 AIR (SC) 2324 and submitted that the Hon'ble Apex Court has observed that it is the tendency of the parents of the deceased -wife to rope all the relatives of her husband. Therefore, the case

becomes weak in respect of main accused/husband.

Shri S.S.Doifode, learned APP submitted that there is sufficient evidence against the applicant that the deceased has not committed suicide. As per post mortem report, 17 injuries were found on the body of person with strangulation mark and therefore, it is not a case of suicide, but it is a case of murder. Therefore, the application is liable to be rejected.

From the perusal of the report and statements of witnesses, it is clear that general allegation in respect of demand of dowry is made against the present applicant. Main allegation in respect of beating, etc. are in respect of her husband. It is the tendency of the parents of deceased to make general allegations against the husband and relatives. The applicant is aged about 58 years. He is in Jail since 12.09.2018. The investigation appears to be completed, but the charge sheet is not filed till today. Hence, the applicant is entitled for bail. Therefore, the following order.

ORDER

- i] The application is allowed.
- ii] The applicant be released on bail on furnishing PR/SB in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- iii] The applicant shall attend P.S.Balapur once in a week till filing of charge-sheet.

iv] The applicant shall not tamper the evidence of the prosecution witnesses and the applicant shall not leave the jurisdiction of the trial Court without prior permission.

JUDGE