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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3223 OF 2018

Ganesh Ramesh Dangepatti @ Patil ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Ms.Rekha Musale for the applicant.

Smt. Rutuja Ambekar, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 28, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. The applicant was arrested on July 13, 2018 in crime No.574/2018 for offence punishable under sections 306 and 504 read with 34 of the Indian Penal Code registered with Wakad police station, District Pune and charge-sheeted.

3. The victim girl was married with the applicant on May 4, 2018 and within two months of her marriage, she committed suicide on July12, 2018.

4. Learned APP would strenuously urge that the

applicant's prayer for bail be rejected in view of the presumption under section 113A of the Evidence Act. So as to invoke the said provisions, she has invited attention of this Court through the language of the complaint lodged by the brother of the complaint. Learned APP submits that the necessary ingredients of the offence punishable under section 306 of the Indian Penal Code are very much satisfied.

5. Upon perusal of the F.I.R., it can be inferred that a grievance was made by the applicant and his relatives in relation to an operation carried out on the victim girl. This fact was not brought to the notice of the applicant and her family members.

6. There are no allegation of any physical assault or demand of dowry.

7. The fact that the conduct of the applicant as narrated in complaint, as regards treatment meted out to the victim has resulted into committing suicide cannot be considered against the applicant.

8. The charge-sheet in the matter is already filed. That being so, the application for bail needs to be allowed. Hence the order :-

- i) The applicant be released on bail in Crime No.574/2018 for offence punishable under sections 306 and 504 read with 34 of the Indian Penal Code registered with Wakad police station, District Pune, upon furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount;
- ii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- iii) The applicant shall attend the dates regularly in the trial Court;
- iv) If there is any two consecutive absence in the trial Court, it shall be open for the trial Court to take out proceedings for cancellation of bail of the applicant;
- v) The application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)