

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

Criminal Application (ABA) No. 338 of 2019

Gajanan Kashinath Nagare

Vs.

State of Maharashtra through P.S. Lonar, Dist. Buldhana

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

Court's or Judge's orders

Mr. R.M. Daga, Advocate for applicant.
Mr. V.P. Maldhure, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JUNE 20, 2019

The applicant herein has approached this Court for grant of anticipatory bail in respect of FIR dated 10/5/2019 against him and other co-accused persons concerning the offences under Sections 498-A and 304-B R/w 34 of the Indian Penal Code.

2. The applicant herein is the brother-in-law of the victim whose dead body was found on 09/5/2019 in a well near her house. The uncle of the victim caused the FIR to be registered, claiming that the husband of the victim along with applicant herein and other co-accused persons were responsible for the death of the victim and that they had harassed her on demand of dowry.

3. The applicant has stated that he does not reside in the house where the victim and her husband were living. It is pointed out that the applicant is a student pursuing his studies at Nagpur and he has been falsely implicated him by the complainant. It is claimed on behalf of the applicant that if he is not granted relief by this Court his studies would suffer and that he is ready to co-operate with the investigation.

4. In fact, while issuing notice on 07/6/2019, this Court took into consideration the aforesaid facts and granted ad-interim protection to the applicant in the following manner.

“In the event of arrest of the applicant in Crime No. 112/2019, registered at Police Station Lonar Dist. Buldhana, he shall be released on bail on furnishing PR bond of Rs.25,000/- (Rs. Twenty Five Thousand) and surety of like amount. The applicant shall co-operate with the investigating agency and he shall not tamper with the evidence or influence the witnesses in any manner.”

5. Although, the learned APP has opposed grant of relief in the present application on the ground that the investigation is still being carried out, in view of the fact that the applicant is a student and he was not resident of the village at the time the incident took place and further when the applicant is ready to co-operate with the investigation no purpose would be served by putting him behind bars. A perusal of FIR also shows that general allegations have been made

against this applicant and that no specific role is attributed to him.

6. Hence, the applicant is granted anticipatory bail on the conditions that were imposed by this Court by order dated 07/6/2019, when ad-interim protection was granted.

7. The application is allowed in above terms.

JUDGE