

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

CRIMINAL APPLICATION (ABA) NO. 763 OF 2019

Avinash Jagdeo Matke and others .Vs. State of Maharashtra,through P.S.O,
P.S. Shegaon (City), Tq. Shegaon, Dist. Buldana.

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

Court's or Judge's orders.

Mr. A.B. Mirza, Advocate for applicant.

Mr. P.S. Tembhare, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.

DATED : NOVEMBER 28, 2019

Heard Mr. Mirza, learned counsel for applicant and Mr. Tembhare, learned Additional Public Prosecutor for the non applicant-State. Also perused the reply filed on behalf of the prosecution and investigation papers placed before me by the prosecution.

The applicants are apprehending their arrest in connection with Crime No.268/2019 registered with Police Station, Shegaon (City), Tq. Shegaon, Dist. Buldana for an offence punishable under Sections 498A, 323 read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act, 1961.

A written complaint was filed on 11.06.2019 by Smt. Punam Avinash Matke, wife of applicant no.1-Avinash Matke. On the basis of this, Crime No.268/2019 was registered. The report shows that marriage with applicant no.1 was performed on 10.04.2016. Applicant no.2 is husband of applicant no.3. The applicant no.2 is brother of

applicant no.1. As per report, though for first 2 to 3 months there was no problem in day-to-day life, thereafter it was started on account of money. The report shows that on 17.07.2018, the applicant poured Goodnight Mosquito Repellent liquid in her mouth due to which she felt unconscious and she was admitted in the hospital. This particular incident is narrated in the complaint dated 11.06.2019 and the explanation for the same is that she was under fear. It is also further stated in the report that there is illicit relations between applicant no.3 with the husband of the complainant and applicant no.2, who is brother of the applicant no.1, is having consent for the same.

In view of aforesaid accusation, this Court on 08.11.2019 granted interim protection in favour of the applicants on a condition that applicant nos.1 and 2 shall attend police station from 11.11.2019 till 21.11.2019. Accordingly they attended the police station and joined the investigation.

In view of the nature of the accusation and in the factual background, in my view, custodial presence of the applicants is not necessary particularly when they have already joined the investigation. Consequently, I pass the following order:

ORDER

- (i) The criminal application is allowed.
- (ii) In the event of arrest in connection with Crime No.268/2019 registered with Police Station, Shegaon (City), Tq. Shegaon, Dist. Buldana for an offence punishable under

Sections 498A, 323 read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act, 1961, applicant no.1 – Avinash Jagdeo Matke, applicant no.2 – Amol Jagdeo Matke and applicant no.3 – Asmita Amol Matke (Asmita Janrao Helode), be released on bail on they executing P.R. Bond in the sum of Rs.10,000/- each, with one solvent surety each in the like amount.

(iii) Applicant nos. 1 and 2 are directed to attend Police Station, Shegaon (City), Tq. Shegaon, Dist. Buldana as and when they are called by the investigating officer. However, for that the investigating officer shall give clear cut two days written communication to them.

The application is disposed of.

JUDGE

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