

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

**CRIMINAL APPLICATION (ABA) NO.789 OF 2019**

Shubhangi Dhiraj Chande and another .Vs. State of Maharashtra,through  
P.S.O, P.S. Hinganghat, Dist. Wardha

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

Court's or Judge's orders.

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Mr. S.V. Sirpurkar, Advocate for applicants.  
Mr. P.S. Tembhare, A.P.P. for non applicant- State.  
Mr. Gajanan Agrawal, Advocate assisting the prosecution.

**CORAM : V. M. DESHPANDE, J.**

**DATED : DECEMBER 20, 2019**

**CRIMINAL APPLICATION (APPP) NO. 2017 OF 2019**

This is an application filed by first informant to assist the learned Additional Public Prosecutor through his counsel.

Application is allowed Mr.Gajanan Agrawal, learned counsel is permitted to assist the learned Additional Public Prosecutor.

The application is disposed of.

**CRIMINAL APPLICATION (ABA) NO.789 OF 2019**

Heard Mr. S.V. Sirpurkar, learned counsel for the applicants and Mr. P.S. Tembhare, learned Additional Public Prosecutor for non applicant-State and Mr. Gajanan Agrawal, learned counsel assisting the prosecution.

The applicants are apprehending their arrest in connection with Crime no.707/2019 registered with Police Station, Hinganghat District Wardha for an offence

punishable under Sections 498A, 304B, 201 read with Section 34 of the Indian Penal Code.

The application for pre-arrest bail is vehemently opposed not only by Mr. Tembhare, learned Additional Public Prosecutor but also by Mr. Agrawal learned counsel assisting the prosecution. Mr. Agrawal, learned counsel submits that applicant no.1 Shubhangi Chandel used to stay in the house of deceased Pooja since she was expecting delivery of her child. Similarly, Dhiraj who is Shubhangi's husband and brother of Suraj i.e. the husband of deceased Pooja, used to visit the matrimonial house of deceased intermittently. Therefore, according to learned counsel assisting the prosecution, applicants are fully responsible for untimely death of Pooja.

Deceased's marriage was performed with Suraj on 31.05.2017. She committed suicide on 31.02.2019 at her matrimonial house. A report is lodged by Umakant Pal, maternal uncle of deceased Pooja. From the first information report, it is clear that it was the maternal uncle of deceased who brought her since his sister, namely Kamlesh Payal resident of Uttar Pradesh was very poor person.

Gist of the allegation made in the first information report, which is lodged on 03.11.2019, is that at the time of the marriage, an impression was created that Suraj is having two four-wheeler vehicles. Very reluctantly, the first informant agreed to give certain articles in the marriage. According to the first information report, one Chandrashekar Kokan whose application for pre-arrest bail

was not considered favourably by this Court was mediator and according to the first information report ultimately it was found that Suraj was his driver and said co-accused Chandrashekar Kokan used to instigate Suraj for demanding ₹10,00,000/- (Rupees Ten Lakh only) from first informant and his family members for purchase of one school bus. It is also stated in the first information report that Suraj, husband of the deceased used to beat the deceased Pooja on the instigation of his mother. According to the first information report allegation against present applicants are that they used to pass certain comments against deceased Pooja. Except this allegation, both; learned counsel assisting the prosecution and learned Additional Public Prosecutor opposing the application could not point out any material.

Applicant Shubhangi is a Talathi. She works at Ramtek. Whereas her husband applicant Dhiraj as a teacher and he discharging his duties at Samudrapur. Shubhangi was visiting the house of Dhiraj since she was expecting her child is not at all abnormal. Similarly, Dhiraj is visiting his brother. The said also could not be objected, as sought to be objected by the learned counsel for the first informant.

During their stay, they may have involved in objectionable acts against the deceased Pooja however prosecution case is totally silent about the same. What the prosecution case is against these two persons is that they used to pass certain comments. It is not the prosecution case that either they used to demand any money from deceased Pooja or her relatives. It is not the case of the

prosecution that because of non-fulfillment of demand of Suraj or others, they used to maltreat the deceased.

It is reported that Shubhangi has recently gave birth to a male child. Looking to the nature of accusation made in the first information report and the other papers of the investigation, in my view, custodial presence of the applicant is not at all necessary.

Consequently, I confirm the interim order dated 22.11.2019 passed by this Court (Coram: Manish Pitale, J.)

### **ORDER**

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime no.707/2019 registered with Police Station, Hinganghat District Wardha for an offence punishable under Sections 498A, 304B, 201 read with Section 34 of the Indian Penal Code, applicant no.1- Shubhangi Dhiraj Chandel, applicant no.2 – Dhiraj Umashankar Chandel be released on they executing P.R. Bond in the sum of ₹ 25,000/- each with one solvent surety each in the like amount.
- (iii) Applicant no.2-Dhiraj alone is directed to attend Police Station, Hinganghat as and when he is called by the investigating officer. However, for that the investigating officer shall give clear cut two days prior written communication to the applicant no.2.

The application is disposed of.

**JUDGE**