

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 ANTICIPATORY BAIL APPLICATION NO.826 OF 2020

ANIL MARUTI SHENDRE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. K.P. Jogdand, Advocate for applicant

Mr. V.M. Kagne, APP for respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 07th DECEMBER, 2020.

PER COURT :

1 Present application has been filed by the husband of the deceased under Section 438 of the Code of Criminal Procedure, 1973. He is apprehending his arrest in connection with Crime No.623/2019 dated 09.11.2019 registered with Pathardi Police Station for the offence punishable under Section 498-A, 306, 323, 504, 506 of the Indian Penal Code.

2 Heard learned Advocate for the applicant and learned APP for respondent.

3 Learned Advocate for the applicant strongly contends that the allegations in the First Information Report are false. The applicant has not

ill-treated his wife. The First Information Report is based on concocted story. Applicant's physical custody is not required for the purpose of investigation and in view of the interim order, that was passed in favour of the applicant, he has attended the Police Station and cooperated the investigation.

4 Learned APP strongly opposes the application by saying that the applicant and deceased got married in September, 2016 and the deceased was harassed by the present applicant on the ground that inspite of three years of marriage deceased has not begotten child. She was insulted on that account. The applicant being the husband has knowledge about the facts. The physical custody of the applicant is required for the purpose of investigation.

5 At the outset, it is to be noted that the prosecution has come with a plain case of Section 498-A, 306 and other Sections of the Indian Penal Code. The information has been lodged by the father of the deceased. Contents of the FIR would show that though the marriage had taken place in September, 2016, the allegation is that the deceased was harassed on the count that she could not conceive within the said three years. The death of the deceased is by hanging. Under such circumstance, the physical custody of the applicant is not required. The investigation can still go on and the purpose of getting cooperation from the accused can still be achieved by

asking him to attend the Police Station till the filing of the charge sheet also, and therefore, the interim order granted by this Court on 15.10.2020 deserves to be made absolute. Hence, following order.

ORDER

1 Application stands allowed.

2 The order passed by learned Additional Sessions Judge, Ahmednagar in Criminal Bail M.A. No.2005/2019 dated 02.03.2020 is hereby set aside. Said application stands allowed.

3 The ad-interim protection, granted by this Court earlier to applicant vide order dated 15.10.2020, is hereby confirmed and made absolute. In the alternative, in the event of arrest of applicant, in connection with Crime No.623 of 2019 registered with Pathardi Police Station, Dist. Ahmednagar for the offence punishable under Section 498-A, 306, 323, 504, 506 of the Indian Penal Code, he be released on P.R. and S.B. of Rs.15,000/-.

4 Applicant shall not tamper with the evidence of prosecution, in any manner and shall cooperate with the investigation.

5 He shall attend the Pathardi Police Station on every Monday and Thursday between 10.00 a.m. to 02.00 p.m. till filing charge sheet.

(Smt. Vibha Kankanwadi, J.)