

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

CRIMINAL APPLICATION (ABA) NO. 30 OF 2020

Swapnil s/o Gopal Ambilkar .Vs. State of Maharashtra, through PSO, PS,
Mana, Tah. Murtizapur, Dist. Akola

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

Court's or Judge's orders.

Mr. R.R. Vyas, Advocate for applicant.
Mr.P.S. Tembhare, A.P.P. for non applicant-State.
Mr. A.S. Londhe, Advocate for first informant.

CORAM : V. M. DESHPANDE, J.

DATED : FEBRUARY 04, 2020

CRIMINAL APPLICATION (APPP) NO. 52 OF 2020

This is an application for assisting the prosecution
filed by the first informant.

For the reasons stated in the application, the
application is allowed. Mr. A.S. Londhe, learned counsel is
allowed to assist the prosecution.

The application is disposed of.

CRIMINAL APPLICATION (ABA) NO. 30 OF 2020

Heard Mr. Vyas, learned counsel for applicant,
Mr. Tembhare, learned Additional Public Prosecutor for non
applicant-State and Mr. Londhe, learned counsel for first
informant assisting the prosecution. Also perused the reply
filed on behalf of the prosecution.

The applicant is apprehending his arrest in
connection with Crime No.197/2019 registered with Police

Station, Mana, Tah. Murtizapur, Dist. Akola for an offence punishable under Sections 498A, 306 read with Section 34 of the Indian Penal Code.

The oral report culminated into registration of crime was given by Pralhad Namdeo Sevane on 13.11.2019. His report would show that his daughter Shweta (the deceased) was in love with applicant and on her own she performed Court marriage with him on 06.12.2016. The report would show that after her marriage, within 2 to 3 days, applicant went to Pune, where he was serving in a private company. It is the statement made in the First Information Report (FIR) that the deceased was not allowed to have telephonic talk with her parents by her in-laws as well as by applicant. However, she on her own used to make phone calls to her parents. The report further recites that in July, 2019 deceased made phone call to her mother and disclosed that for her delivery she would be coming to village Pahi, where her matrimonial house is situated. However, it was disclosed that she was intending that she should be at Daryapur. Daryapur is her parental place. Even after coming to Pahi as per the statements in the report though she was intending to give birth at Daryapur however she was not permitted by applicant and her in-laws. The report also shows that the brother-in-law of the first informant was also asked that Shweta should be permitted to go at village Daryapur however he was also not permitted to take her at Daryapur. The report would show that on 13.11.2019 deceased committed suicide.

On minute scrutiny of the report it discloses that at no point of time there was a demand of whatsoever nature either by applicant or in-laws of the deceased. The allegation in the report that there was mental torture, is most general in nature. During the course of hearing, it is made known to this Court that at village Pahi the deceased gave birth to a girl child.

From the investigation papers, in my view, prima facie it does not appear that there was any element of abetment at the hands of the applicant to the deceased to commit suicide. It is also made known to this Court by the learned Additional Public Prosecutor that parents of the applicant are already released on bail by the Court below.

Since there are no allegations whatsoever about demand or any physical torture to the deceased and the allegations in respect of the mental torture are most general in nature, in my view, at present custodial presence of the applicant is not at all necessary. Resultantly, I pass the following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.197/2019 registered with Police Station, Mana, Tah. Murtizapur, Dist. Akola for an offence punishable under Sections 498A, 306 read with Section 34 of the Indian Penal Code, applicant – Swapnil s/o Gopal Ambilkar be released on bail on he executing P.R. bond in the sum of ₹15,000/-

with one solvent surety in the like amount.

(iii) The applicant is directed to attend Police Station, Mana, Tah. Murtizapur, Dist. Akola twice in a week i.e. on every Sunday and Tuesday and shall be with the investigating officer from 11:00 a.m. to 05:00 p.m. till filing of the charge-sheet.

The application is disposed of.

JUDGE

srwagh