

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

CRIMINAL APPLICATION (BA) NO. 533 OF 2020

(Mr. Mangesh S/o Jagdev Aadolkar ..vs.. State of Maharashtra, through P.S.O., P.S. Akot Fail,
Dist. Akola)

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

Court's or Judge's orders

Shri R. R. Vyas, Counsel for the applicant
Shri P. S. Tembhare, Addl.PP for the non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 30-09-2020

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard.

3. The wife of the applicant allegedly committed suicide on 8-4-2020 by consuming poison and her mother lodged report on the same day implicating the applicant, his parents and sisters. The applicant is arrested on 9-4-2020. The co-accused are released on bail.

4. The sum and substance of the report is that the applicant and his family members used to ill-treat the deceased to pressurise her to bring an amount of Rs. 35,000/- to enable the applicant to set up business.

5. Most of the allegations in the First Information Report are general and no distinction can be made between co-accused and the applicant. The only specific and distinct allegation is that since the demand was not satisfied, when the applicant used to consume liquor, he used to physically ill-treat the deceased at the instigation of family members.

6. Shri Vyas would submit that even if the allegations are taken at face value, it cannot be said that there was a dowry demand and, therefore, Section 304-B is not made out. It would not be necessary to make any decisive observation on the said submission. Whether the demand was made before the marriage or as a condition of marriage would be a matter for the trial Court to look into and render its findings.

7. However, since the applicant has no criminal antecedent and it is not even the case of the prosecution that he would be at flight risk or would be otherwise in a position to subvert the course of trial, I am inclined to grant bail.

8. The application is allowed.

9. The applicant shall be released on bail on furnishing personal bond of Rs.25,000/- with a surety of like amount.

10. Considering the prevailing situation, surety may be furnished within four weeks from release.

11. The applicant shall attend every date of hearing scrupulously.

12. The applicant shall not make any attempt to influence the witnesses.

13. The applicant shall not leave the country without the permission of the trial Court.

JUDGE

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