

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.789 OF 2021

Anil s/o Rama Landge ...Applicant

Versus

The State of Maharashtra ... Respondent

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Advocate for the Applicants : Mr. P. M. Gaikwad

APP for the Respondent – State : Mr. N. T. Bhagat

...

CORAM : V. G. BISHT, J.

DATE : 16th SEPTEMBER, 2021

PER COURT :-

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No. 428/2020, registered with M.I.D.C. Waluj Police Station, District Aurangabad for the offences punishable under Sections 306, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2. Prosecution case in short is that, informant's daughter, namely, Shila (deceased) was married to applicant on 29.05.2017 and was treated well for about six months.

However, thereafter her mother-in-law and sister-in-law started taunting and harassing her on the ground that the less dowry was given in the marriage. It is further alleged that in-laws of deceased also used to ask her to bring Rs. 20,000/- so as to carry out the plastering of the house. On this count also she was subjected to harassment. Ultimately on 05.09.2020 the deceased took insecticides and succumbed on 06.09.2020. Informant accordingly lodged the report.

3. Mr. P. M. Gaikwad, learned counsel for the applicant, submits that having regard to the nature of allegations, custodial interrogation of applicant is not necessary. In such circumstances the application deserves to be allowed.

4. Mr. N. T. Bhagat, learned APP for the Respondent - State, on the other hand, fairly submitted that charge-sheet in the matter has already been filed and therefore necessary order may be passed.

7. *Prima-facie* reading of the F.I.R. would show that no such overt act of cruelty is attributed on the part of the applicant husband so as to come to apparent conclusion that he in any manner abetted the commission of suicide by his wife.

Moreover, the investigation is already over and the charge-sheet has been filed. In such circumstances, I find merit in the submission of the learned counsel for the applicant that there is no necessity of custodial interrogation.

8. In view of above, I pass the following order :-

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of the applicant Anil s/o Rama Landge herein in connection with Crime No. 428/2020, registered with M.I.D.C. Waluj Police Station, District Aurangabad City for the offences punishable under Sections 306, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- (Rupees Twenty Thousand only), with one or two sureties in the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence in any manner.
- (iv) Application is accordingly disposed off.

**(V. G. BISHT)
JUDGE**

shp/-