

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1030 OF 2021

Manojkumar Bacchandev Prasad
Age : 40 years, occ : service
R/o Tapinagar, Bhusawal,
Taluka Bhusawal, District Jalgaon.

Applicant

Versus

The State of Maharashtra.

Respondent

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Mr. M.R. Bhokrikar and Mr. Jitendra Patil,
Advocates for the applicant.
Mr. V.S. Badakh, A.P.P. for respondent – State.
Mr. Bhushan Kulkarni, Advocate assisting the PP.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 23-11-2021.

ORDER :

1. The applicant is apprehending arrest in Crime No.158/2021 registered with Bhusawal City Police Station, District Jalgaon for the offences punishable under Sections 306, 498-A, 323, 504 of the Indian Penal Code (for short, "I.P.C.").

2. The First Information Report has been registered on 06.08.2021 by the brother of deceased. Applicant is husband of deceased. Marriage was performed on 11.07.2008. There are two children out of the wedlock. Applicant was working at Airport as Radar Operator. The applicant was ill-treating victim. She was

assaulted. She was frustrated. It is the case of prosecution that victim had forwarded chat on WhatsApp on 05.08.2021 stating that she is committing suicide on account of frustration and harassment caused by the applicant. She committed suicide by hanging.

3. Learned counsel for the applicant submits that the applicant was working in Air-force as Radar Operator and he had retired about one and half year ago. He had received retirement benefit to the tune of Rs.39 lakhs and out of the said amount Rs.29 lakhs were deposited in the form of fixed deposit in the name of victim. Copies of relevant documents are annexed to this application. It is further submitted that marriage was performed in the year 2008 and for about 12 years, there were no complainants against the applicant. It is alleged that the applicant was in habit of drinking liquor. The allegation is false. He was employed in Army for last several years and there were no complaint against him. The victim was suffering from high blood pressure and she could not cope up with life. The children needed special care.

4. Learned A.P.P. submits that the suicide note clearly indicates that on account of frustration suffered by the victim, she has committed suicide. During the course of investigation, mobile phone and video recorded by the victim has been seized. Custodial interrogation of the applicant is necessary. The mobile phone has been forwarded for forensic examination. The victim was harassed by the applicant. On account of harassment caused to her, she has

committed suicide. The print-out of suicide note has been part of the investigation papers.

5. Learned Counsel for the complainant submitted that the suicide note mentions the manner in which the victim was subjected to ill-treatment. She was assaulted and harassed continuously. The complainant has forwarded audio and video recording of the victim which shows ill-treatment caused to her. The offence is of serious nature.

6. The marriage between applicant and the victim was performed in the year 2008. The applicant was working in Air-force. The victim had accompanied the applicant wherever he was posted. There are no previous complaints. The video alongwith recording and the suicide note is recovered by the Investigating Officer. There are two children out of the wedlock. They are special kids.

7. Considering the aforesaid facts, the applicant need not be subjected to cruelty. In the result, following order is passed.

ORDER

- (i) ABA No. 1030 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in Crime No.158/2021 registered with Bhusawal City Police Station, District Jalgaon, the applicant be released on bail on executing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

- (iii) The applicant shall appear before the Investigating Officer on 01.12.2021, 02.12.2021 and 03.12.2021 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called for, till filing of the charge-sheet.
- (iv) The application stands disposed of.

(PRAKASH D. NAIK, J.)

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