

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

CRIMINAL APPLICATION (BA) NO. 168/2021
(Pratapsingh Gulabsingh Chittodiya vs. State of Maharashtra : Through
PSO PS Deoli, Wardha)

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

Court's or Judge's order

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Mr. M N Ali, Advocate for the applicant
Mr. Amit Chutke, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 11th March, 2021.

1. The applicant has filed the present Application under Section 439 of the Cr.P.C. seeking regular bail, for offence punishable u/ss. 363, 366, 306, 34 of the Indian Penal Code, read with section 12,17 of the POCSO Act, registered at Police Station Deoli , Wardha, in respect of Crime No. 578/2020.

2. I have heard learned counsel for the respective parties. Perused the case papers.

3. The prosecution case in brief is that the deceased was married with the son of the applicant some time in November, 2019. It is alleged that few days after the marriage, the husband and in-laws of the deceased, started ill-treating her. After marriage 3 to 4 times, she had been to the house of the father i.e. complainant, and told about the ill-treatment meted out to her. On 6.9.2020 the son of the applicant informed the complainant that his wife died by jumping into the well. The report came to be lodged.

4. Learned Advocate for the applicant vociferously contended that the allegations mentioned in the FIR are general in nature. It is simply mentioned that the husband and in-laws of the deceased used to abuse her and subjected her to mental and physical cruelty. He submitted that the husband of the deceased had seen the deceased jumping into the well. The husband too jumped into the well to save her, however, he did not succeed in saving her. The statement of the sister-in-law of the deceased shows that the deceased was mentally unstable, possessing suicidal tendency. It is submitted that the applicant being father-in-law of the deceased, may be enlarged on bail by imposing certain conditions.

5. Learned APP opposed the Application.

6. After hearing both sides and on a perusal of the case-papers and the reply filed by the prosecution, and considering the manner in which the incident had taken place, *prima facie*, it appears that there is no convincing material on record to show that the applicant ill-treated the deceased and the cruelty was of such a nature that she was driven to commit suicide. Furthermore, there is no material on record to show that the applicant in any manner instigated the deceased to commit suicide.

7. For the aforesaid reasons, I am of the view that the applicant can be released on bail by imposing certain conditions. Hence the order :-

ORDER:

The applicant -Pratapasingh Gulabsingh Chittodiya, be released on bail for offence punishable 363, 366, 306, 34 of the

Indian Penal Code, read with section 12,17 of the POCSO Act, registered at Police Station Deoli , Wardha, in respect of Crime No. 578/2020, on his executing a PR bond in the sum of Rs. 25,000/- (rupees twenty five thousand) with one or two solvent sureties in the like amount, on the following conditions :-

- (i) He shall attend the concerned Police Station, on every 1st and 3rd Saturday of each month, between 11.00 and 2.00 pm, till the trial commences.
- (ii) He shall provide his residential address and cellphone number to the concerned Investigating Officer and shall not change the same without prior intimation to the Investigating Officer.
- (iii) He shall not tamper with the prosecution witnesses in any manner.
- (iv) He shall keep himself away from the limits of area where the complainant and other witnesses are residing.
- (v) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.
- (vi) Any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court, during trial.

Criminal Application stands disposed of.

JUDGE

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