

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

CRIMINAL APPLICATION (BA) NO.170 OF 2021

Kailash s/o Narayan Lokhande

..vs..

State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri H.M. Mohta, Advocate for Applicant.

Ms. T.H. Udeshi, A.P.P. for Non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 09/04/2021

Hearing was conducted through Video
Conferencing.

2. The Applicant/accused is arrested in Crime No.17 of 2021 registered with Barshitakli Police Station, District Akola relating to the offence punishable under Sections 304-B, 306, 498-A read with 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961. The Applicant has claimed for bail by stating that he has no concern with the alleged occurrence. It is submitted that the Applicant was the cousin uncle of the husband of the deceased and was residing separately, hence, the allegations levelled against him are false and fabricated. Moreover, it is contended that, the investigation is complete and no purpose would be served in keeping him behind bars. The State resisted the bail by filing affidavit-in-reply. The incident as narrated in the First Information Report has been reiterated in the reply. In addition to that, learned A.P.P. took me through the certain statement of

witnesses namely Vaishnavi Saudale, Kusum Devkar, Sandip Shinde etc., to impress that there are serious allegations against the Applicant. Moreover, it is pointed out that the date of marriage was 09.12.2020 whilst within one month from the date of marriage, the victim lady committed suicide. Therefore, considering the gravity of the offence, the Applicant's bail is prayed to be rejected.

3. It reveals from the contents of the First Information Report, that the victim lady got married with the co-accused Dnyaneshwar on 09.12.2020 and resumed to stay at her matrimonial house along with her husband, sister-in-law Jayashree, brother of husband Parmeshwar Lokhande and mother-in-law namely Taibai Lokhande. The Applicant who is the cousin uncle of the husband of the deceased was staying separately in the neighborhood. It is alleged that soon-after the marriage, family members of the husband of the deceased started to harass the victim by raising monetary demand of Rs.2 lakhs. Finally, on 10.01.2021, the victim committed suicide by way of hanging.

4. After going through the statements of witnesses, it reveals that there are no specific allegations against the Applicant, who is cousin uncle residing separately from the house of the victim. The statements of Vaishnavi Saudale and Kusum Devkar show that on the date of occurrence, in their presence, the victim telephonically informed her mother, that her husband is having illicit relations with Sunita Lokhande i.e. daughter of the Applicant. They further stated that when the victim asked about the illicit relation, she was beaten. However, there is no averment

that the Applicant had beaten to the victim at that instance. So far as the Applicant is concerned, it appears that, the allegations are vague and of general in nature. Moreover, the Application is residing separately, meaning thereby he has not day-to-day interaction with the victim. The investigation is complete and charge-sheet has been filed. Considering the general allegations against the Applicant, his relationship with the deceased and the stage of investigation, the Applicant/accused has made out a case for grant of bail. Therefore, the following order is passed :

- (a) The Criminal Application is allowed.
 - (b) The Applicant/accused Kailash s/o Narayan Lokhande in Crime No.17 of 2021 registered with Barshitakli Police Station, District Akola relating to the offence punishable under Sections 304-B, 306, 498-A read with 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961 be released on bail on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.
 - (c) The Applicant/accused shall not directly or indirectly made any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
5. The Criminal Application stands disposed of accordingly.

JUDGE