

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

CRIMINAL APPLICATION [BA] NO. 288/2021.

1.Vitthal Shridhar Dikkar and another.

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.R. Deshpande, Advocate for Applicants.
Ms. N. Mehta, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : APRIL 30, 2021.

Heard learned Counsel for the parties
through video conference.

2. Applicants are arrested in connection with Crime No. 23/2020 registered with Ural Police Station, District Akola for the offence punishable under Sections 306, 498-A read with Section 34 of the Indian Penal Code and later on Section 304B of the Code is also added.

3. Applicants have claimed bail on the ground of innocence, false implication, inadequacy of evidence, completion of investigation etc.

4. The State has resisted the bail by pointing

2

towards seriousness of the offence.

5. It appears that both applicants were earlier arrested and due to pandemic situation they were released on temporary bail. Later on they surrendered, and then approached to the Sessions Court for grant of regular bail, but, the same came to be rejected.

6. First information report lodged by the father of the deceased states that applicants who are husband and mother-in-law of the deceased used to harass the deceased at the instance of demand of Rs.50,000/- for construction of house. The harassment was unbearable and hence, the victim committed suicide by way of hanging. The learned counsel for applicants has pointed out panchnama of the scene of offence to show that applicants were having brick-cement house, and therefore, the allegations about demand for construction of house are false.

7. Be that as it may, the allegation does not disclose the details of harassment. No particular instances are quoted. There appears to be sole allegation that for meeting unlawful demand of

3

Rs.50,000/- to raise construction of house, there was a harassment.

8. Though the accused were also charged for the offence of dowry death punishable under Section 304-B of the Indian Penal Code, the State is unable to point out any material to show that the harassment was in connection with any demand for dowry. Therefore, the submission that the provisions of Section 304-B of the Indian Penal Code would not apply, requires serious consideration.

9. Already the accused/applicants were on temporary bail for a period of 5 months. There are no allegations or complaint of misuse of the liberty during said period or that they have either tampered the prosecution witness or pressurized them. The offence punishable under section 498 and 306 does not attracts punishment of death or life imprisonment.

10. As stated above, the applicability of Section 304-B of the Indian Penal Code is in question. Already investigation is completed and charge sheet is filed. The trial will take considerable time for disposal in

4

accordance with law. Having regard to these aspects, applicants have made out a case for grant of bail however, the same is granted by imposing certain stringent conditions. Hence, the following order.

- (i) Criminal Application is allowed and disposed of.
- (ii) Applicants/accused namely - (1) Vitthal Shridhar Dikkar and (2) Smt. Nanda w/o Shridhar Dikkar be released on bail in connection with Crime No. 23/2020 registered with Ural Police Station, District Akola for the offence punishable under Sections 304-B, 306, 498-A read with Section 34 of the Indian Penal Code on their furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.
- (iii) Applicants shall not enter into the territorial limits of village Sangrampur, till the conclusion of the trial.
- (iv) Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

Rgd.