

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

CRIMINAL APPLICATION (ABA) NO.315 OF 2021

Nilesh S/o Subhashchandra Chittarka

...**Versus**...

State of Maharashtra through P.S.O. Risod, Washim

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

Court's or Judge's

Shri. M. Rai, Advocate for Applicant
Shri. A. R. Chutke, APP for Respondent/State
Shri.N. P. Singhania, Advocate for Applicant/Intervenor in A PPP
No.835 of 2021.

CORAM : **N. B. SURYAWANSHI, J.**

DATE : **14th JUNE, 2021.**

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The learned Advocate for the applicant undertakes to file hard copy of the application during the course of the day.

3. The applicant has filed the present application seeking relief under Section 438 of the Code of Criminal Procedure, apprehending his arrest in connection with Crime No.0177 of 2021, registered with Risod Police Station, District Washim for the offences punishable under Sections 306, 304-B, 498-A, 323, 504 and 506

read with Section 34 of the Indian Penal Code.

4. Heard the learned Advocate for the applicant and the learned Addl. Public Prosecutor for respondent/State.

5. First Information Report was registered at the instance of Rahul Kachrual Agrawal against the present applicant and other three persons including father, brother and wife of applicant's brother, wherein it is alleged that the informant's sister Deepa's marriage was solemnized on 29.01.2015 with the applicant. The applicant is a Software Engineer and is working at DST World Wide Services Pvt. Ltd. at Pune. After marriage, the applicant and Deepa were residing at Pune and during her stay with the applicant, he used to harass Deepa on account of demand of money. She was also been threatened if she gives birth to a female child, she will be kicked out from the house. Deepa gave birth to a male child, however her harassing at the instance of the applicant and his family members was continued. Deepa ultimately committed suicide on 12.03.2021 and the informant lodged a report on 24.03.2021.

6. The other accused persons were refused anticipatory bail by the trial Court. This Court granted them anticipatory bail in Criminal Application (ABA) No.275 of 2021.

7. I have perused the case diary. *Prima facie*, I am of the view that there are vague and general allegations against the applicant in the F.I.R. and no details or specific instances of demand are quoted. There is delay of more than 10 days in lodging the F.I.R. Taking into consideration the allegations in the F.I.R., custodial interrogation of the applicant is not necessary as nothing to be recovered from the applicant, hence the following order :

- i) Application No.315 of 2021 is allowed.
- ii) In the event of arrest of the applicant in connection with Crime No.0177 of 2021, registered with Risod Police Station, District Washim for the offences punishable under Sections 306, 304-B, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code., the applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.
- iii) The applicant shall attend the concerned Police Station as and when called by the Investigating Officer.
- iv) The applicant shall not tamper the prosecution evidence and or influence the prosecution witnesses.
- v) The application is disposed of.

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2021**

8. Heard Shri. N. P. Singhania Advocate for the applicant/Intervener (complainant).

9. For the reasons stated in the application, application is allowed. The learned Advocate for the applicant is permitted to assist the learned APP for opposing the bail.

(N. B. SURYAWANSHI, J.)

TAMBE