

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

Criminal Application (BA) No. 620 of 2021

[Subodh Suresh Tayade ..vs.. State of Maharashtra through P.S. Ural, Tq. Balapur, District Akola]

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

Court's or Judge's orders

Mr. V. B. Bhise, Advocate for the applicant
Mrs. K. R. Deshpande, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 05-08-2021

The applicant along with his parents and two sisters are arraigned as accused in Crime 457/2020 registered with Ural Police Station, Tq. and District Akola for the offences punishable under Sections 498A and 304B read with Section 34 of the Indian Penal Code.

2. While the other accused are granted either regular bail or pre-arrest protection, the application for grant of bail preferred by the applicant is rejected by the learned Sessions Judge.

3. The wife of the applicant unfortunately committed suicide on 18-11-2020 and her father lodged report *inter alia* alleging that her matrimonial family ill-

treated her to force her to satisfy dowry demand of ₹ 3,00,000/- to purchase a car.

4. I have perused the contents of the First Information Report and the statements recorded during the course of investigation under Sections 161 and 164 of the Code of Criminal Procedure, 1973.

5. I do not consider it appropriate to make any definite observation on the contents of statements, however, I note that 164 statements in particular, contain several allegations which are missing in the earlier versions recorded under Section 161.

6. Be that as it may, insofar as dowry demand is concerned, similar allegations are levelled against the applicant and the other members of the matrimonial family who are granted bail.

7. The investigation is complete and the charge-sheet is filed. The applicant is not at flight risk. It is not the case of the prosecution that he has criminal

antecedents. It is also not the case of the prosecution that the applicant would be in a position to influence the witnesses. The applicant is in custody since 19-11-2020 and considering that on similar material, the other accused are bailed out, I do not find any propriety in continuing the incarceration.

8. The application is allowed.

9. The applicant be released on furnishing PR of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount subject to the following conditions.

(a) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(b) The applicant shall not leave the country without the permission of the jurisdictional Court.

10. The application is disposed of in aforesaid terms.

JUDGE