

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

CRIMINAL APPLICATION (ABA) NO. 542 OF 2021

Yogita Nilesh Zela

...Versus...

State of Maharashtra Through Police Station Mangrul Dast, District – Amravati

WITH

CRIMINAL APPLICATION (ABA) NO. 543 OF 2021

Yogesh Devidas Chaware and another

...Versus...

State of Maharashtra Through Police Station Mangrul Dast, District – Amravati

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

Court's or Judge's orders

Shri A.H. Daga, Advocate for applicants
Shri A.M. Deshpande, A.P.P for non-applicant/State

CORAM : VINAY JOSHI, J.

DATE : 20/09/2021

Both the applications are arising out from registration of Crime No. 238/2021, with Police Station Mangrul Dast, Amravati Rural for the offences punishable under Sections 3 and 4 of the Dowry Prohibition Act and Sections 328, 489-A read with Section 34 of the Indian Penal Code.

2. In Criminal Application No. 543/2021, applicant – Yogesh Devidas Chaware is the brother in law of informant whilst applicant No.2 – Shilpa Yogesh Chaware is wife of Yogesh. In Criminal Application No. 542/2021 applicant – Yogita Nilesh Zele is sister in law of the informant. It is prosecution case that informant lady got married with one Dinesh in the year 2017. After solemnization of marriage, she was subjected to cruelty for

meeting unlawful monitory demands. Besides harassment, the informant stated that on 24/07/2021, applicant No.2 - Shilpa Yogesh Chaware and Yogita Nilesh Zele caught hold her to which applicant – Yogesh Devidas forcibly administered insecticides. Somehow, informant got rescued from the place and then was admitted to the hospital.

3. The learned Counsel for applicants has disputed the alleged incident itself. He would submit that due to matrimonial dispute, informant had left her husband's house on 17/07/2019 and then returned back after three months. He would submit that the entire report nowhere discloses the exact amount which was demanded. It is the submission that there is four days' delay in lodgment of First Information Report which shows that the contents of First Information Report are fabricated one. On the other hand, learned A.P.P. in resistance, took me through the medical certificate and the statements of witnesses recorded during course of investigation.

4. Perusal of medical certificate discloses that on 24/07/2021 itself, the informant lady was admitted in the hospital, as a case of poisoning and was discharged on 27/07/2021. Thus, *prima facie* there exists explanation about three days delay in lodging the report. The medical certificate discloses that while the informant/victim was brought to the hospital, liquid was found on the cloths, neck and back of the victim. According to learned A.P.P., perhaps due to resistance the insecticide fell on her body. It reveals from the report that major allegations are against applicant – Yogesh Devidas Chaware of forcibly administering poison. His custodial interrogation would enlighten on various areas. However, the role of rest of the

female applicants was of assisting Yogesh Devidas Chaware. Hence, their liberty can be protected by putting them on certain terms. In view of that, the following order.

ORDER

(i) Criminal Application No. 542/2021 stands allowed.

(ii) Ad-interim order dated 25/08/2021, is hereby made absolute on same terms and conditions.

(iii) The applicant - Yogita Nilesh Zele shall continue to attend concerned Police Station till the filing of charge-sheet or for the period of three months, whichever is earlier.

(iv) Criminal Application No. 543/2021 is partly allowed.

(v) Application as regards to applicant No.1 – Yogesh Devidas Chaware, stands rejected.

(vi) As regards to applicant No.2, Shilpa Yogesh Chaware, the ad-interim order dated 25/08/2021, is hereby made absolute on same terms and conditions.

(vii) Applicant No.2 – Shilpa Yogesh Chaware shall continue to attend concerned Police Station till the filing of charge-sheet or for the period of three months whichever is earlier.

(viii) Both Criminal Application are accordingly disposed of.

JUDGE