

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

Criminal Application (BA) No. 1100 of 2021

(Pralhad S/o Sitaram Regude ..vs.. The State of Maharashtra through P.I., Chikhali, P.S., Tq. Chikhali,
Dist. Buldhana)

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

Court's or Judge's orders

Mr. S. W. Wankhade, Advocate for the applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 13-12-2021

Heard.

2. The applicant is arraigned as accused 2 in Crime 0292/2021 registered at Chikhali Police Station, Tahsil Chikhali, District Buldhana for offences punishable under Sections 304-B and 498-A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. The daughter-in-law of the applicant unfortunately committed suicide within four months from her marriage with the son of the applicant, who is accused 1.

4. The applicant is in custody since May, 2021. The investigation is complete and the charge-sheet is filed.

5. The applicant was granted temporary bail in order to place on record the medical papers to justify the submission that he is HIV positive. The applicant did place on record some old document which however, did not throw any light on the present medical condition. The temporary bail was not extended and the matter is, therefore, heard on merits.

6. The allegation is that the applicant and the co-accused demanded dowry and in order to pressurize the deceased, ill-treated her.

7. I am not inclined to minutely evaluate the material on record. It is not the case of the prosecution that the death is homicidal. The allegations are serious and the suicide within a short period from the marriage is extremely unfortunate. However, considering that the trial would take its own time, I am not inclined to continue the incarceration of the applicant. It is made clear that the case of the applicant is being considered on a stand alone basis and in view of the role attributed. It is not even the case of the prosecution that the applicant poses a flight risk.

8. The application is allowed subject to the following conditions.

(i) The applicant be released on bail on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with solvent surety of the like amount.

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

(iii) The applicant shall not leave the country without the permission of the trial Court.

JUDGE

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