

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 BAIL APPLICATION NO.518 OF 2022

PANKAJ RAJENDRA GHODKE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondent – State : Mr. V. S. Badakh
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 27.04.2022

ORDER :-

. The applicant has been arrested on 22.10.2021 in connection with Crime No.361 of 2021 registered with Tuljapur Police Station, Dist. Osmanabad for the offences punishable under Sections 498-A, 304-B, 306 read with Section 34 of Indian Penal Code. He has filed present application under Section 439 of the Code of Criminal Procedure.

2. Heard learned Advocate Mr. Nilesh S. Ghanekar for the applicant and learned APP Mr. V. S. Badakh for the respondent – State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. At the outset, it can be seen that the investigation is over and charge-sheet is filed. Therefore, the further custody of the applicant is

not required for the purpose of investigation and, therefore, whatever evidence has been collected will have to be considered. Perusal of the FIR would show that it has been filed by the brother of the deceased. Informant Sunil Shilwant is the brother of deceased Priya, whose marriage was performed with the present applicant in April, 2021. It has been alleged that there was demand of dowry from the present applicant. Some part of the amount was paid during the marriage and rest of the amount was agreed to be given after the marriage. However, the applicant as well as Priya's mother-in-law and father-in-law has impressed upon the parents of deceased that they would take remaining one lakh amount from the dowry on that day only i.e. before the date of promise. It is stated that on the count of demand of that amount, the present applicant as well as mother-in-law and father-in-law of the deceased used to harass Priya. Priya used to convey those facts to her parents as well as the informant. He was informed about 11.30 p.m. on 21.10.2021 that Priya should be taken by him to his house as the applicant was insisting that she should bring the remaining amount of dowry. Thereafter, around 12.30 a.m., present applicant told that Priya has committed suicide. No doubt, it is an unfortunate incident that the girl has committed suicide within few months of her marriage. The statements of witnesses also stated that there was demand from the

applicant. Applicant as well as his mother and father harassed Priya. The question before us is whether the further physical custody of the applicant is required for the purpose of investigation. The statements of witnesses have been recorded. The statement of the informant has also been recorded under Section 164 of the Code of Criminal Procedure.

4. Proper opportunity was given to the prosecution for investigation and after completion of the investigation, charge-sheet is filed. As aforesaid, the evidence that has been collected, has been taken note of and, therefore, the further physical custody of the applicant appears to be not required. By imposing appropriate conditions, the applicant can be released on bail as it would take long time to stand his trial. Hence, the following order :-

ORDER

- I) Application stands allowed.
- II) The applicant – Pankaj Rajendra Ghodke, who has been arrested in connection with Crime No.361 of 2021 registered with Tuljapur Police Station, Dist. Osmanabad for the offences punishable under Sections 498-A, 304-B, 306 read with Section 34 of Indian Penal Code, be released on P. R. Bond of Rs.20,000/- with two or more sureties in the like amount.
- III) The applicant shall not enter the jurisdiction of village Aarli Khurd, Tq. Tuljapur, Dist. Osmanabad till the conclusion of trial.

- IV) He shall not tamper with the evidence of the prosecution in any manner.
- V) He shall not indulge in any criminal activity.
- VI) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI, J.]

scm