

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.534 OF 2022

Jalinder s/o. Ratan Gaikwad

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.A.S.Gandhi, Advocate for applicant

Mr.G.O.Wattamwar, APP for respondent

CORAM : R.G. AVACHAT, J.

DATE : JULY 13, 2022

ORDER :-

Leave to correct the crime number.

2. This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.I-364 of 2017 registered with M.I.D.C. Police Station, Ahmednagar, for the offences punishable under Sections 304-B and 498-A read with Section 34 of Indian Penal Code.

3. Heard learned counsel appearing for the parties.

4. Learned APP has strongly apposed the application. According to him, the deceased died within three years of her marriage. It is a case of dowry death. Charge has already been

framed. The Court may direct the trial Court to expedite the trial. He, therefore, urged for rejection of the application.

5. The applicant has been behind the bars for four and half years. Although the charge has been framed, no witnesses have yet been examined in the case. It is, therefore, not desirable to make observations regarding merits of the matter. When the applicant is behind the bars for little over four and half years and it is not known when the trial would come to its logical conclusion, this Court is inclined to the allow the application.

5. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in Crime No.I-364 of 2017 registered with M.I.D.C. Police Station, Ahmednagar, for the offences punishable under Sections 304-B and 498-A read with Section 34 of Indian Penal Code, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]