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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1616 OF 2022

Vijay Gajanan Hake

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Balraj P. Pande, Advocate for the applicant
Mr. A. V. Deshmukh, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 8th DECEMBER, 2022

ORDER :

1. Applicant-husband apprehends his arrest in Crime No. 152 of 2022 registered with Vedant Nagar Police Station, Aurangabad for the offence punishable under sections 306, 498A read with 34 of the Indian Penal Code.
2. Mother of deceased Manisha lodged FIR against the applicant, his brother and mother alleging that, marriage of the applicant with Manisha was performed on 1st April, 2010. After marriage, the accused persons were ill-treating Manisha, by suspecting her character. She delivered a male child, however, her ill-treatment continued. Thereafter, the applicant started demanding Rs.1,00,000/- to start business and on that count the

accused persons used to ill-treat Manisha. On 6th September, 2022, Manisha committed suicide by hanging.

3. Heard learned advocate for the applicant and the learned Additional Public Prosecutor for the State. Perused the investigation papers.

4. It is the case of the applicant that he is in private job since last 10 years and earning Rs.50,000/- per month salary. Salary certificate is annexed along with the applicant. A receipt of purchase of gold ornaments by the applicant for Manisha worth Rs.1,00,000/- on 18th February, 2020 is also annexed along with the application.

5. There is unexplained delay of one month in lodging FIR. *Prima facie*, it appears that after due deliberations, afterthought FIR is lodged. Statement of minor son does not support the allegations made in the FIR. Co-accused persons are granted anticipatory bail, by Sessions Court. Nothing is to be recovered from the applicant. Investigation appears to be almost complete. Pre-trial custodial detention of the applicant, in these facts, is not warranted. In the light of the above, the application is allowed.

6. In the event of arrest of the applicant in Crime No.152 of 2022 registered with Vedant Nagar Police Station, Aurangabad for the offence punishable under section 306, 498-A, 34 of the Indian Penal Code, the applicant be released on execution of PB and SB of Rs.15,000/- with one surety in the like amount. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

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