

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2203 OF 2021

Lingraj Damu Pawar ...Applicant

Vs.

The State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO.2231 OF 2021

IN

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2203 OF 2021

Uma Shankar Chavan ...Applicant

IN THE MATTER BETWEEN

Lingraj Damu Pawar ...Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.U.B. Nighot i/b Mr.Hamid D. Mulla for the Applicant.

Mr.R.M. Pethe, APP for the Respondent-State.

Ms.Vilasini B. i/b Mr.Jaydeep D. Mane for the Intervenor.

CORAM : C.V. BHADANG, J.

DATE : 23 MARCH 2022

P.C.

. The Applicant, apprehending arrest, in connection with the investigation of Crime No.425 of 2021 registered with Mangalwedha Police Station, under Section 304(I), 498A, 323, 504, 506 of Indian Penal Code is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint lodged by Uma Shankar Chavan, who is mother-in-law of the Applicant.

3. The Applicant was married with Ashwini who is daughter of the informant, on 14 may 2005. Ashwini was running a Chemist Shop at Mangalwedha while the Applicant is serving in the Health Department in Karnataka. Ashwini had delivered a girl child on 24 February 2006. According to the informant the Applicant was annoyed on account of the fact that Ashwini delivered a girl child and on account of this Ashwini was ill-treated physically and mentally.

4. It is contended that the Applicant was also pestering the deceased to give divorce so that the Applicant can re-marry. On 9 April 2021 Ashwini fell ill and the same was aggravated from 14 April 2021, she was found to be Covid-19 positive. On 15 April 2021 deceased Ashiwni felt difficulty in breathing. It is undisputed that the deceased was treated in Bhagwati Hospital, Bijapur and subsequently at KLE Prabhakar Kore Hospital at Belagavi, Karnataka where she died on account of the Covid-19 infection on 29 April 2021.

5. The present complaint is lodged by the mother-in-law of the Applicant on 25 June 2021. The gravamen of the

allegation is that the Applicant had failed to provide proper treatment, which is part of the general ill treatment meted out to her from the year 2006.

6. I have heard the learned counsel for the parties. Perused record.

7. The Applicant has produced medical papers including that of the *Janheet Clinic*, Taluka-Mangalwedha, District-Solapur and the KLES Prabhakar Kore Hospital as also investigation papers of *Dr.Karigoudar Dignostic Laboratory* which indicates that the deceased was provided with medical aid. However, unfortunately she did not recover from the infection.

8. It can *prima facie* be seen that the allegations about the said ill-treatment are from February 2006 and in the entire period there was no complaint lodged, whatsoever. The complaint is lodged for the first time after about of a month, after the death of the deceased.

9. The Applicant has been granted interim protection by order dated 13 September 2021.

10. Considering the overall circumstances, I do not find that this is a case in which the custodial interrogation of the

Applicant is warranted. The Applicant can be directed to join the investigation. In such circumstances, the Criminal Application is disposed of in terms of the order dated 13 September 2021, subject to the condition that the Applicant shall co-operate with the Investigating Agency as and when required and shall not tamper with the prosecution evidence/witnesses.

11. Interim Application for intervention is also disposed of.

C.V. BHADANG, J.