

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3140 OF 2022

Ashok Ramchandra Shinde ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Ritesh Thobade for the Applicant.

Mr. V.B. Konde Deshmukh, APP for the State.

Mr. R.P. Tathe, HC, Vijapur Naka Police Station, Solapur, present.

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CORAM : N.R. BORKAR, J.

DATED : 21 NOVEMBER 2022

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 500 of 2022 registered at Vijapur Naka Police Station, Solapur for the offence punishable under Sections 498-A, 306, 323 r/w. 34 of Indian Penal Code.

3. The deceased was the wife of the present applicant. It is the case of prosecution that the present applicant and other co-accused were ill-treating the deceased on account of demand of money. It is alleged that due to constant ill treatment on 22nd July 2022 the deceased committed suicide, by consuming poison.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submits that the alleged incident of consuming poison by the deceased took place on 22nd July 2022 and thereafter she died on 24th July 2022. It is submitted that no complaint was however, lodged till 2nd October 2022 i.e. for more than two months. It is submitted that this creates doubt about the entire prosecution case.

6. On the other hand, the learned APP for the State submits that there is a material to show that the deceased was ill-treated. It is submitted that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. It appears that on the date of incident the applicant and the deceased were married for 9 years. There is a delay of more than two months in lodging the first information report. Considering these facts, I am inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

(i) Application is allowed.

(ii) In the event of arrest, the applicant - Ashok Ramchandra Shinde in Crime No. 500 of 2022 registered at Vijapur Naka Police Station, Solapur for the offence punishable under Sections 498-A, 306,

323 r/w. 34 of Indian Penal Code, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall attend the concerned police station on 28th to 30th November 2022 between 11.00 a.m. to 2.00 p.m. and thereafter, as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)