

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (BA) NO. 57/2022
Pankaj Ramesh Bhise...Versus...State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. R.M.Daga, Advocate for the Respondent
Mr. A.R.Chutke , APP for respondent State

CORAM : AVINASH G. GHAROTE, J.

DATE : 15/02/2022

Heard Mr. Daga, learned counsel for the applicant, who is arrayed for the offence under Section 304(B) of the IPC in Crime No. 150/2021.

2] The applicant was married with the deceased Manisha on 13.7.2021, the date of incident is 7.9.2021, the applicant was arrested on 13.9.2021 and the charge-sheet has been filed on 7.11.2021.

3] Mr. Daga, learned counsel for the applicant submits that the allegation that due to a demand of a gold leaf on account of Dasshera by the applicant from his wife, she had committed suicide, is categorically incorrect, for the reason that the applicant is well to do agriculturist having 20 acres of agricultural land and there was no reason whatsoever for making any demand. Though in the initial stage the oral report by the father of the deceased makes

such a statement, he invites my attention to the statement of the father - Sunil Bhimraoji Dhote, the mother - Jyoti Sunilrao Dhote and the brother - Pratik Sunilrao Dhote, as recorded under Section 164 of Cr.PC., which states a position directly contradictory to what has been stated in the complainant inasmuch as all of them categorically state that all throughout the deceased had told them that she was happy in her matrimonial house. He therefore submits that in view of the above position, since the entire investigation is over, the applicant be released on bail.

4] Mr. Chutke, learned APP fairly admits that though in the oral report there is an allegation attributed to the applicant of asking for a gold leaf on the occasion of Dasshera from his wife, to be procured from her parents, the statement under Section 164 of Cr.PC., of the parents and the brother of the deceased, does not substantiate this position.

5] The record reveals that the father, mother and the brother of the deceased in their statement under Section 164 of Cr.PC., have categorically stated that the deceased Manisha was happy at her matrimonial house and had no complaints whatsoever, in view of which the oral report by the father on the basis of which offence has been registered would indicate a major contradiction regarding the allegation against the applicant. No doubt, that the deceased has passed away within a period of less than two months of the date of

marriage, however, since the complainant, i.e. the father of the deceased himself appears to have retracted from his statement in the complaint, as is indicated by his statement under Section 164 of Cr.PC., coupled with the statement of the mother and brother of the deceased, who do not attribute anything to the applicant, in my considered opinion, the further incarceration of the applicant would not be justified, considering the peculiar facts of the matter. Hence the following order.

6] The application is allowed.

The applicant be released on bail for the offence under Section 304 (B) of the IPC in Crime No.150/2021 on his executing the PR bond in the sum of Rs. 1,00,000/- and solvent surety in the like amount.

The applicant shall not tamper with the evidence or try to influence the prosecution witnesses in any manner whatsoever.

The applicant shall attend each and every date before the Sessions Court and shall ensure that the trial is not protracted on his count.

JUDGE

Rvjalit

Digitally sign byRAJESH
VASANTRAO JALIT
Location:
Signing Date:15.02.2022 16:23