

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

CRIMINAL APPLICATION (BA) NO. 221 OF 2022

Pramod Sahebrao Waahekar and two others...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. S.A.Chaudhari, Advocate for the applicants
Mr. A.R.Chutke, APP for respondent/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 22/03/2022

1] Heard Mr. Chaudhari, learned counsel for the applicants and Mr. Chutke, learned APP for respondent/State.

2] The incident is dated 23.1.2022. The applicants are arrested on 25.1.2022. The investigation is claimed to be in progress.

3] Mr. Chaudhari, learned counsel for the applicants submits that the applicants have been falsely arrayed for the offence under Sections 304B, 306, 506 r/w Section 34 of the IPC in Crime No. 14/2022, as they had no role to play in the demise of the deceased, who has ended her life on 23.1.2022 by jumping into a well. There are no previous incidences or complaints made. He further submits that the oral report dated 23.1.2022 is the only report till date. He submits that in a fit of rage the deceased Aruna is said to have gone out of

the house after having bathed her son. The applicant no.2 had himself gone in search of the deceased and upon finding her body floating in the well, had jumped down to save her, to no avail, considering which the applicants are entitled to bail.

4] Learned APP opposes the application and submits that the deceased was forced to commit suicide on account of her bringing less dowry, due to harassment meted out by the applicants who are her in-laws and therefore the application be rejected.

5] The incident has happened on 23.1.2022, on which date in a fit of rage the deceased Aruna is said to have gone out of the house after having bathed her son. The applicant no.2 followed the deceased along the parapet of the canal for some distance, after which she was not traceable. When the applicant no.2 searched for her, he found her floating in the nearby well located in the field of Sahebrao Kale, whereupon he jumped into the well with an intention to save the deceased, which proved to be a futile attempt. The perusal of the case diary does not indicate any past complaint of any harassment being meted out by the applicants nor any demand for any dowry. The statement in this regard is made by the brother of the deceased and other family members after the incident, which are identical and general in nature,

without specifying any particular incident, date, or allegations attributed to any of the applicants, considering which, I am not inclined to continue the further incarceration of the applicants considering their relationship with the deceased as the applicant no.1 is the brother-in-law, the applicant no. 2 is the father-in-law and the applicant no. 3 is the mother-in-law, and a prima facie case for bail is made out. Hence the following order.

O R D E R

i] Application is allowed.

Ii] Applicant No. 1 – Pramod Sahebrao Wahekar, Applicant No. 2 - Sahebrao Vishram Wahekar and applicant No. 3 – Mandadhori @ Mandabai Sahebrao Waahekar be released on bail in Crime No. 14/2022 registered with Police Station Janefal, Tq. Mehkar, Dist. Buldhana, for offence under Sections 304B, 306, 506 r/w Section 34 of the IPC, on their executing PR bond in the sum of Rs. 50,000/- each with two solvent sureties of the like amount by each applicant.

iii] The applicants shall not tamper with the prosecution evidence or try to undue influence the prosecution witnesses, directly or indirectly.

iv] The applicants shall attend the concerned Police Station on every Sunday between 10.00 a.m. to 12.00 noon till the charge-sheet is filed and shall assist the prosecution in all respect.

v] On the charge-sheet being filed, the applicants shall attend each and every date of the Sessions trial and shall ensure that the trial is not protracted on their count.

vi] Any violation of any of the conditions shall result in cancellation of bail.

6] Criminal application, if any, shall stand disposed of accordingly.

JUDGE

Rvjalit