

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

CRIMINAL APPLICATION (ABA) NO.262 OF 2022

(MANISH DILIP DHOMANE....VS.. STATE OF MAH. THR. PSO PS NANDGAONPETH, AMRAVATI CITY.)

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

Court's or Judge's orders

Shri Amol G.Hunge, Advocate for Applicant.
Ms Sangeeta Jachak, A.P.P. for Non-applicant /State.
Shri A.A.Naik, Adv. a/w Shri P.R.Agrawal, Adv. to assist Prosecution.

CORAM : ANIL S. KILOR, J.

DATED : MAY 06 2022.

1. Heard.
2. The applicant is husband of the complainant seeking pre-arrest bail in Crime No. 69 of 2022, dated 19/02/2022 registered with Police Station, Nandgaon Peth, Amravati City for the offences punishable under Sections 498-A, 354-A, 313, 504 and 506(2) read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.
3. The learned counsel for the applicant submits that though in the First Information Report (FIR) the period of offence is mentioned as 05/01/2021 to 28/08/2021, the complaint was lodged belatedly on 19/02/2022 i.e. after about 4-5 months and no probable explanation has been offered by the complainant. It is submitted that the complaint has been lodged to harass the applicant and his family members, who have already been released on pre-arrest bail.

4. On the other hand, the learned A.P.P. opposes the application and submits that there is sufficient *prima-facie* material available in the case diary to show involvement of the applicant being husband of the complainant.

5. Shri Naik, learned counsel representing the complainant and assisting the prosecution in this case, strongly opposed the application and submits that it is a serious offence and because of the acts of the applicant the complainant suffered abortion. It is submitted that there was continuous ill-treatment meted out to the complainant by the accused persons, including the applicant, on the ground of demand of dowry. Accordingly, he prays for rejection of the present application.

6. I have perused the case diary, contents of the FIR and the material collected by the Investigating Officer during the investigation.

7. There is a delay in lodging the FIR and after considering the allegations made in the FIR, I am of the opinion that the custodial interrogation of the applicant is not necessary in this case. Accordingly, I pass the following order:

- i) The application is allowed.
- ii) In the event of arrest of the applicant in Crime No. 69 of 2022, registered with non-applicant

Police Station for the offences punishable under Sections 498-A, 354-A, 313, 504 and 506(2) read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961, he shall be released on bail on furnishing P.R. Bond of Rupees Fifteen Thousand with one solvent surety in the like amount.

- iii) The applicant shall attend the concerned Police Station on 16, 17, 18 and 19th May 2022 from 09:00 a.m. to 11:00 a.m. and thereafter as and when his presence is required and shall co-operate in the investigation.
- iv) The applicant shall not tamper with the prosecution evidence.
- v) The applicant shall not leave the jurisdiction of the concerned Police Station without permission of the trial Court.

The application is **disposed of** in the above terms.

JUDGE