

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

CRIMINAL APPLICATION (ABA) NO.278 OF 2022

(AKSHAY ONKAR BHATKAR....VS.. STATE OF MAH. THR. PSO PS DAHIHANDA, TAH. AKOLA,
DISTT.AKOLA)

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

Court's or Judge's orders

Shri Sanket K. Bhandarkar, Advocate for Applicant.
Shri Sagar Ashirgade, A.P.P. for Non-applicant /State.

CORAM : ANIL S. KILOR, J.
DATED : MAY 06 2022.

1. Heard.
2. The applicant is seeking pre-arrest bail in Crime No. 282 of 2020, registered on 14/11/2020 with Police Station, Dahihanda, District : Akola for the offences punishable under Sections 498-A, 304-B and 306 read with Section 34 of the Indian Penal Code.
3. The learned counsel for the applicant submits that the mental condition of the deceased was not proper since beginning and in that state of mind she committed suicide. It is submitted that the applicant is serving in Mahar Regiment, Indian Armed Forces and presently posted in Arunachal Pradesh and there is no possibility of being absconding and not available for trial. Accordingly, he prays for pre-arrest bail.
4. On the other hand, the learned A.P.P. opposed the application.

6. I have perused the charge-sheet, which is filed after investigation.

7. It appears that father of the deceased subsequently gave a statement admitting that the mental condition of the deceased was not proper since beginning. Even before statement of the father the said ground was raised in the first application of the applicant for grant of bail.

8. In that view of the matter, *prima-facie*, 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. 282 of 2020, registered with non-applicant Police Station for the offences punishable under 498-A, 304-B and 306 read with Section 34 of the Indian Penal Code, 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 as and when his presence is required and shall co-operate in the investigation.

- iv) It is made clear that whenever presence of the applicant is required, he shall be served with one week's prior notice, through his employer.

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

JUDGE

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