

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

Criminal Application (BA) No.607/2022

Pawan @ Parmeshwar Wagh V State of Maharashtra thr PSO PS Jalamb, Buldhana

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

Court's or Judge's Orders

Shri R.M. Daga, Advocate for applicant.

Mr. T.A. Mirza, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 20-06-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.0017/2022 dated 21-01-2022 registered with Police Station Jalamb, District Buldhana for the offences punishable under Sections 304-B, 306, 498-A read with Section 34 of the Indian Penal Code.

2. The learned Counsel for the applicant submits that the applicant is in jail since January 2022 and the reason for commission of suicide by the wife of the applicant is that the applicant did not answer her calls for 135 times, as stated in the reply of the State. He, therefore, submits that, prima facie, Section 306 of the IPC does not apply. It is submitted that the other allegations made against the applicant and his family members are vague and general in nature. Accordingly, he submits that as the

custody of the applicant is not necessary, and the chargesheet has already been filed, he prays for grant of bail.

3. The learned APP, on the other hand, strongly opposed the application.

4. I have perused the chargesheet, First Information Report (FIR) and the reply of the State.

On perusal of the FIR it is revealed that when the deceased made call 135 times to the applicant, he did not answer any call of the deceased. Thereupon, the deceased was under mental pressure.

In that view of the matter and in view of the fact that there is nothing to show that if the applicant is released on bail he would pressurize the prosecution witnesses or tamper the prosecution evidence and/or he will not be available for the trial. I am of the opinion that as there are no criminal antecedents against the applicant, he is entitled for grant of bail. Accordingly, I pass the following order :-

ORDER

- i) Application is allowed.
- ii) The applicant in Crime No.0017/2022 dated 21-01-2022 registered with Police Station Jalamb, District Buldhana for the offences punishable under Sections 304-

B, 306, 498-A read with Section 34 of the Indian Penal Code, be released on bail on furnishing P.R. Bond of Rs. 15,000/- with one solvent surety in the like amount.

- iii) The applicant shall attend the concerned Police Station as and when his presence is required.

(Anil S. Kilor, J.)

Deshmukh