

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

CRIMINAL APPLICATION (ABA) NO.686 OF 2022

(RAMKRUSHNA BALIRAM PAWAR...VS.. STATE OF MAH. THR. PSO PS BORGAON MANJU, AKOLA)

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

Court's or Judge's orders

Shri A.M.Jaltare, Advocate for Applicant.
Shri S.D.Sirpurkar, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : NOVEMBER 22, 2022.

1. Heard.
2. By this application under Section 438 of the Code of Criminal Procedure the applicant is seeking pre-arrest bail in Crime No.295 of 2022, registered with Police Station, Borgaon Manju, Akola for the offences punishable under Sections 304-B, 306, 498-A, 354-D(1), 509, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.
3. In this case the allegation against the applicant, being father-in-law of the deceased, is that he ill-treated her. The incidence is dated 19/08/2022 and complaint was lodged on 22/08/2022 i.e. after three days. The informant, while making allegations against the accused persons, has stated that she had knowledge of all the incidences which are narrated in the F.I.R. However, no complaint was lodged immediately after the incidence and therefore, in the above referred backdrop, delay is significant and cannot be ignored.

4. The WhatsApp chat between the husband and wife(deceased) is filed on record which pertains to the period just before commission of suicide by the deceased, do not disclose any complaint by deceased about ill-treatment by the applicant. Even it does not disclose that she had any grievance against the applicant on any ground.

5. In the circumstances, as *prima facie*, there is nothing to show any involvement of the applicant in the alleged offence, I am of the opinion that custodial interrogation of the applicant is not necessary. In these circumstances, I pass the following order:

- i) The application is **allowed**.
- ii) The order dated 27/09/2022, granting ad-interim bail to the applicant is confirmed.
- iii) The applicant shall attend the concerned Police Station as and when his presence is required.

The Criminal Application is **disposed of** accordingly.

JUDGE