

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

CRIMINAL APPLICATION (ABA) NO.770 OF 2022

Prashant S/o Ramkrushna Pawar .Vs. State of Maharashtra, through P.S.O. Borgaon
Manju, Tah. & Dist. Akola

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M. Jaltare, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 30/11/2022

1. Heard.
2. The applicant is seeking pre-arrest bail in Crime No.295 of 2022, registered with Police Station: Borgaon Manju, District: Akola, for the offences punishable under Sections 304-B, 306, 498-A, 354(D)(1), 509, 323, 504 and 506 read with Section 34 of the Indian Penal Code.
3. The above referred crime was registered against the four accused persons including the applicant and the allegations are of ill-treatment meted out to the deceased by the accused persons including the present applicant who is the husband of the deceased. There are allegations of demand of dowry as well and it is stated in the First Information Report (FIR) that because of harassment and continuous demand of dowry, the deceased committed suicide.

4. The applicant has filed WhatsApp chats between the applicant and the deceased, when she was at her parents house just before the commission of suicide.

5. These WhatsApp chats do not disclose that there was any grievance of the deceased about ill-treatment, harassment or demand of dowry. On the contrary, it appears that there was some disputes between the applicant and the deceased and she had a fear that because of such disputes, there is possibility that the marriage may break down. It is further clear from the messages that repeatedly she accepted her mistake and tendered her apology and assured the applicant that she will not repeat her mistake again.

6. Thus, from the above chats it appears that she was under mental pressure because of the above referred fear that the marriage may break down and under the said mental condition, she committed suicide.

7. Though the deceased committed suicide within eight months of her marriage and therefore, there is presumption against the applicant however, considering the over all material, it does not appear that there was any intention of the applicant that the deceased should commit suicide and end her life.

8. As far as, ill-treatment of demand for dowry is concerned, allegations are vague and general in nature.

9. Thus, in absence of any sufficient incriminating material to show that the applicant is the abettor in this case, I am of the opinion that, custodial

interrogation of the applicant is not necessary. In the circumstances, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in the event of arrest of the applicant in Crime No.295 of 2022, registered with Police Station: Borgaon Manju, District: Akola, for the offences punishable under Sections 304-B, 306, 498-A, 354(D)(1), 509, 323, 504 and 506 read with Section 34 of the Indian Penal Code, the applicant shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when his presence is required.
- d) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of** accordingly.

JUDGE