

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

CRIMINAL APPLICATION (BA) NO. 75 OF 2023

BUDDHLIN RAJU WANJARE AND ANOTHER VS STATE OF MAH. THR. PSO ARNI DIST.YAVATMAL

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

Court's or Judge's Orders.

Mr. S. G. Varshani, Advocate for applicants.
Mr. I. J. Damle, APP for respondent State.

CORAM : ANIL L. PANSARE J.
DATE : 08/02/2023

This application is filed by the applicants under Section 439 of the Code of Criminal Procedure, 1973. The applicants have been arrested on 11/10/2022 in Crime No. 901/2022, registered with Police Station, Arni, District Yavatmal for the offences punishable under Sections 201, 302, 304-B, 498-A read with Section 34 of the Indian Penal Code, 1860.

2. The applicant No.1 is husband and applicant No.2 is father-in-law of Anjali Wanjare (deceased). The accusation against these two applicants is that they have harassed Anjali on the count of dowry so much so that she was forced to commit suicide. The FIR has been lodged by the brother of Anjali. The FIR indicates that the dowry

was not given in the marriage. Initially Anjali was treated nicely, later on she was harassed by the applicants for dowry. The informant states that Anjali met her elder sister Anupriya and told her that the applicant No.1 Buddhlin suspected her character on the count that she was having affair with some one. At one point of time Anjali's father was admitted in hospital, the applicant No.1 Buddhlin had extended help of Rs.10,000/-. However, he said to Anjali that her family members expect money from him even for medical treatment, but had not paid dowry in marriage.

3. On the basis of these allegations, the applicants are languishing in jail. Except for the statement made by Anjali to informant or his sister, there is absolutely no evidence to show that applicants had demanded dowry. None of the relatives have stated to police that the applicants have demanded dowry to them or in their presence. The FIR indicates that in marriage the parents of Anjali have not given any dowry. There is nothing in the FIR to show that prior to marriage the applicants have ever demanded dowry or any other favour for performing marriage.

4. Learned APP, however, submits that applicants have been booked under the provisions of Section 304-B of IPC as well. The marriage was solemnized on 25/05/2022 and Anjali has committed suicide on 09/10/2022, within a period of less than five months of marriage. However, to attract ingredients of Section 304-B of the IPC, the prosecution will have to first show that soon before the death the bride was subjected to cruelty or harassment by her husband or any relative of the husband in connection with any demand for dowry.

5. In other words, merely because the bride has committed suicide immediately after the marriage, that by itself will not attract the offence under Section 304-B of the IPC. In the present case, there appears nothing to show that soon before her death, Anjali was subjected to cruelty or harassment by the applicants for dowry. It is thus challenging for the prosecution to prove allegations levelled against the applicants.

6. On inquiry, about the criminal antecedents, learned counsel for the applicants submits that they have no criminal antecedents. They possess immovable properties at Yavatmal and thus, have are strong roots in the locality. The charge-

sheet has been filed, but charges have not yet been framed. It will take time to commence and conclude the trial.

7. Considering the role of the applicants as discussed above, and the nature of evidence, no purpose will be served in keeping the applicants behind the bars.

8. The observations made in this order are *prima facie* in nature and are made for deciding the present application only. The learned Judge, who is seisin of the trial, shall not get influenced with the above observations.

9. Resultantly, following order is passed :-

ORDER

(i) The application is allowed.

(ii) The applicants namely, (i) **Buddhlin Raju Wanjare**, (ii) **Raju Kacharu Wanjare** be released on bail, in Crime No.901/2022, registered with Police Station, Arni, District – Yavatmal for an offence punishable under Sections 201, 302, 304-B, 498-A read with Section 34 of the Indian Penal Code, 1860 on he furnishing P. R. Bond in the sum of Rs.25,000/-

each with one or two solvent sureties in the like amount.

(iii) The applicants shall, at the time of execution of bond, furnish their addresses and telephone/mobile number(s) to the Investigating Officer and the Court concerned and shall not change the residence till the final disposal of the case.

(iv) The applicants shall regularly attend the court and cooperate the learned trial Court to complete the trial for the above offences. The applicant shall not seek adjournments, except under extreme circumstances to the satisfaction of the trial Court.

(v) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.

(vi) The applicants shall maintain law and order.

(vii) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

The application is disposed of in the above terms.

Digitally signed byRAVIKANT
CHANDRAKANT KOLHE
Signing Date:09.02.2023
13:30

JUDGE