



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

CRIMINAL APPLICATION (ABA) NO. 515/2023

Prashant s/o Ramgopal Dinode and another Vs. State of Maharashtra

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

Court's or Judge's orders

Mr. H.M. Mohta, Advocate for applicants.
Mr. A. M. Kadukar, APP for non-applicant no.1/State.
Mr. Girish G. Kandhari, Advocate to assist the prosecution.

CORAM : M.W. CHANDWANI, J.
DATED : 29/08/2023

1. The applicants seek anticipatory bail in Crime No. 384/2023 registered with Police Station, Khadan, Akola, for offence punishable under Sections 498-A, 306, 342, 507 read with Section 34 of the Indian Penal Code and Section 304-B of the Indian Penal Code is added later on.
2. Heard learned counsel for the applicant as well as learned APP for the State. Perused the case diary.
3. It is contended by the learned counsel for the applicants that applicant no.1 and deceased performed their second marriage. Both of them have their children from the first marriage. Applicant no.1 even adopted the daughter of deceased from earlier marriage and he was looking after her education and her upbringings. He submits that there is false allegation of demand of money from the father of deceased. He submits that not a single amount has been transferred in the account of applicant no.1. He submits that even in dying declaration of the deceased, she did not blame applicant no.1 nor any other applicant. He submits that he is ready to cooperate in the

investigation. According to him, applicant no.2 is student and he has nothing to play any role in the alleged crime. Hence, the learned counsel prays to release the applicants on bail.

4. Per contra, learned APP vehemently submits that there is allegation of demand of amount from the father of the deceased. According to him, apart from transfer of amount of Rs. 11,000/- through google pay, the father of the deceased transferred an amount of Rs.1,50,000/- to applicant no.1, as he used to harass the deceased on various counts including the demand of amount for paying fees towards college fees of his son. He submits that the investigation is at preliminary stage. Hence, he prays for rejection of bail to the applicants.

5. Perusal of the charge-sheet shows that second marriage of applicant no.1 and deceased performed on 3.5.2022 and they have children from their earlier marriages. It appears from the case diary that on the date of incident, the deceased consumed poisonous substance and thereafter she was admitted in Samarpan hospital, Akola and while taking treatment in the hospital, she died.

6. In the statement of the informant i.e. father of the deceased the allegation of harassment and demand of amount have been made. Since, the death occurred about a year after their marriage, offence under Section 304-B of the Indian Penal Code is also included.

7. Dying declaration of deceased shows that over a dispute with the husband in the morning, she was upset, therefore, she consumed poisonous substance and she was taken to the hospital by applicant no.1. Whether there was demand of amount is a matter of investigation. The record shows that

because of frequent quarrels and harassment given by the applicants, the deceased committed suicide within one year of her marriage. Considering the nature of allegation and gravity of offence, no case is made out for anticipatory bail of the applicant no.1.

8. As far as applicant no.2 is concerned, he is student and taking education. He is teenager. Arrest may have adverse impact on him. The main allegation is against the applicant no.1. Considering these aspects, I think that discretion of anticipatory bail can be exercised in favour of applicant no.2. Accordingly, application is partly allowed.

9. The application of applicant no.1 is rejected. The application of the applicant no.2 is allowed.

10. In the event of arrest, applicant no.2 – Pranav s/o Prashant Dinode be released on bail, on his executing a P. R. bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with one solvent surety in the like amount.

11. The applicant no.2 shall attend concerned police station as and when called by the Investigation Officer and cooperate with the investigation.

12. Application stands disposed of accordingly.

(M.W. CHANDWANI, J.)

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