



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

CRIMINAL APPLICATION (ABA) NO.549 OF 2023

Dinesh S/o Namdev Yewle 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.

Ms Mohini Sharma, Advocate for applicants.
Shri S.M. Ghodeswar, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : SEPTEMBER 05, 2023.

The applicants are apprehending their arrest in connection with Crime No.672/2023 registered with Police Station, Paratwada, District Amravati for the offences punishable under Sections 498A, 304B, 306 read with Section 34 of the Indian Penal Code.

2. Heard the learned counsel for the applicant and learned APP for non-applicant/State. Gone through the case diary. It is the case of the prosecution that the applicant no.1 had been married with the deceased on 01.06.2023 and committed suicide within a period of 25 days at her parents house. Therefore, on the complaint of her father, the aforesaid offences came to be registered against the applicants and mother of applicant no.1.

3. On perusal of case diary shows that the after the marriage deceased was brought to the house of the informant. The applicant no.2 went to fetch her back and he

brought her back on motorcycle. It is alleged that the applicant no.1 was having bad eye on the deceased. At matrimonial house the deceased disclosed to the informant that while traveling on motorcycle the applicant no.2 asked her to caught hold her waist, even once the applicant no.2 had caught hold hand of the deceased and there are allegations that the applicant no.1 used to beat and demanding the amount of Rs.1.5 lakhs from the father of the deceased.

4. The application is strongly opposed by the learned APP on behalf of non-applicant/State on the ground that offence is serious in nature and requires custodial interrogation. Thus, prayed for rejection of anticipatory bail.

5. Since the death occurred within a short period of marriage and there is allegation of demand of dowry therefore offence under Section 304B of the IPC is alleged to have been committed by the applicants.

6. It appears that the allegation of demand of dowry is against the applicant no.1. So far as applicant no.2 is concerned, the applicant no.2 was keeping bad eye on the deceased and once he caught hold hand of the deceased with bad intention. Thus, *prima facie*, the allegation of demand of dowry is not made out against the applicant no.2. The applicant no.2 is aged about 62 years old and nothing is required to be seized from the applicant no.2. A case is

made out for anticipatory bail in favour of the applicant no.2.

7. There are allegations of demand of dowry against the applicant no.1 and the death is occurred within very short passage of time i.e. within 25 days. So far as submission of counsel for the applicants is that the deceased was not interested in marrying with the applicant no.1 and there was meeting between both families. All this is matter of trial. Since there is prima facie allegation of ill-treatment and demand of dowry against the applicant no.1 and considering the nature of allegation as well as gravity of the offence, no case is made out against the applicant no.1. Hence, I proceed to pass the following order:

ORDER

- i. The criminal application is partly allowed.
- ii. The application of applicant no.1 – Dinesh S/o Namdev Yewle is rejected.
- iii. In the event of arrest in Crime No.672/2023 registered with Police Station, Paratwada, District Amravati for the offences punishable under Sections 498A, 304B, 306 read with Section 34 of the Indian Penal Code, **applicant no.2– Namdev S/o Laxman Yewle** be released on anticipatory bail on furnishing P.R. Bond in the sum of ₹25,000/- with one solvent surety in the like amount.

- iv. The applicant shall attend concerned Police Station as and when called by the investigating officer for investigation purpose and shall cooperate in the investigation, till filing of charge-sheet.
- v. The applicant shall furnish his cell phone number and address with address proof with the concerned Police Station.
- vi. The applicant shall not tamper with the prosecution evidence or shall not induce, threaten or pressurize any witness, who are connected with the crime.

With this, the application is disposed of.

JUDGE

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