

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.3492 OF 2024.

Prakash Madhav Maghade

...Applicant

Vs

The State of Maharashtra

...Respondent

Mr. Veerdhawal Deshmukh i/b. Hulyalkar & Associates for the Applicant.

Mr. Sagar R. Agarkar, APP for the Respondent-State.

Mr. Santosh Shinde, API, Vimantal Police Station, Pune.

CORAM : MANISH PITALE, J.

DATE : 20th DECEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with FIR No.581 of 2024 dated 10/11/2024 registered with Vimantal Police Station, Pune, for offences punishable under Sections 80(2), 85, 115(2), 351(2) of the Bharatiya Nyaya Sanhita (for short, BNS).
3. The major offences in this case are under section 80(2) and 85 of BNS, which pertain to dowry death and the victim being subjected to cruelty by the husband or the relatives of the husband.
4. The lone accused person in the present case is the husband of the victim i.e. the applicant herein.

5. The informant in the present case is the sister of the deceased. She has stated that after the applicant and the deceased got married on 7/6/2020, the deceased was subjected to harassment and there were certain demands of monies made to the deceased and her family. It is stated that two children were born out of the wedlock. Eventually being fed up by the harassment meted out by the applicant, the deceased committed suicide by hanging herself on 8/11/2024.

6. Mr. Deshmukh, learned counsel for the applicant submits that although allegations are made in the statement of the informant, it can be stated that the allegations are of general nature and they pertain to demand of money but they do not show any specific time line. In any case, not a single complaint is registered with the police till the time the victim committed suicide. It is submitted that there are two minor children out of the wedlock and if applicant is taken in custody it may adversely affect the children, who have already lost their mother.

7. Mr. Agarkar, learned APP submits that the ingredients of the offence are made out. He referred to the statement of the landlord of the premises where applicant was residing as tenant with his wife i.e, the deceased. He submits that the statement indicates that there were indeed quarrels between the applicant and his wife.

8. This Court has considered the rival submissions in light of material on record.

9. The statement of the informant which led to registration of FIR shows that there are indeed allegations about harassment meted out by the applicant to his wife i.e. deceased but, the reference to demand of specific amount does not give any time line and reference to amount of Rs.2 Lakhs for buying tractor also pertains to the year 2022 while the incident in question occurred in November 2024. This Court has gathered a *prima facie* impression that allegations appear to be of general nature and the statement of the landlord also indicates that there were quarrels between husband and wife, but this aspect in itself cannot be said to be indicating a *prima facie* case against the applicant.

10. It is to be noted that since there are two minor children from the wedlock, putting the applicant behind bars would certainly affect them adversely, as they have already lost their mother in the present incident. The Applicant is ready to cooperate with the investigation and hence relief can be granted.

11. In view of the above, the application is allowed in the following terms:

(a) In the event the applicant is arrested in connection with with FIR No.581 of 2024 dated 10/11/2024 registered with Vimantal Police Station, Pune, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 23rd December 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicants shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

12. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

13. The application is disposed of.

14. In view of the disposal of the Anticipatory Bail Application, the Interim Application, if any, also stands disposed of.

[MANISH PITALE, J.]