



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

CRIMINAL APPLICATION (ABA) NO.249 OF 2024
(Vilas Sidoba Wankhede Vs. State of Maharashtra)

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

Court's or Judge's Order

Mr. H.S. Chawhan, Advocate for the applicant.
Mr. A.B. Badar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 25, 2024.

Apprehending the arrest at the hands of police in connection with Crime No.376/2023 registered with Police Station, Mahagaon, District Yavatmal for the offences punishable under Sections 306 and 498-A read with Section 34 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The applicant is the husband of the deceased Priyanka. The marriage of Priyanka was performed with the present applicant in the year 2013. Deceased was having two daughters and one son from the said wedlock. As per the allegation initially she was treated well and thereafter she was ill-treated by her in-laws as well as the present applicant who is her husband for the demand of Rs.5,00,000/-. It is further alleged that the deceased has also disclosed that her nephew Satish has subjected her for sexual assault, and therefore, she committed suicide by jumping into the well. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the allegations of ill-treatment for demand of Rs.5,00,000/- is concerned which is general in nature. He further submitted that there is no specific allegation that when the said amount is demanded. Moreover, the marriage took place in the year 2013, thereafter the applicant and the deceased was having three children from the said wedlock. There was absolutely no instigation, no aiding on the part of the present applicant but merely because deceased has died accidental death, this false FIR is lodged. He submitted that custodial interrogation of the present applicant is not required. There is no nexus between the act of ill-treatment and the commitment of suicide. In view of that, present applicant can be protected by granting anticipatory bail.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that there was a demand of Rs.5,00,000/- by the present applicant for purchasing the tractor and due to the ill-treatment she has committed suicide. Thus, there is a nexus between the abetment and committal of the suicide. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers. The recitals of the FIR shows that deceased was ill-treated by all the family members of the present applicant for the demand of Rs.5,00,000/-. The statements of various witnesses are

recorded during the investigation who are the relatives of the deceased. As far as the ill-treatment at the hands of the present applicant is concerned, general allegation is made that he has demanded Rs.5,00,000/- from her. When such demand was after the marriage, none of the witness has stated about the same. To attribute the abetment in view of Section 107 of the Indian Penal Code, A person abets the doing of a thing, who instigates any person to do that thing; or engages with one or more other person or persons in any conspiracy for the doing of that thing or intentionally aids, by any act or illegal omission. In order to constitute abetment the abettor must be shown to act intentionally aided the commission of crime. A mere proof that the crime charged could not have been committed without the interposition of the alleged abettor is not enough compliance with the requirements of Section 107 of the IPC. Considering the various statements recorded by the Investigating Officer admittedly general allegations is made against the present applicant and nothing is to be recovered from the present applicant, his custodial interrogation is not required. As far as the part of the interrogation is concerned which can be taken care of by imposing certain conditions on the present applicant. Accordingly, I proceed to pass following order.

(i) The application is allowed.

(ii) In the event of arrest, the applicant - Vilas Sidoba Wankhede in connection with

Crime No.376/2023 registered with Police Station, Mahagaon, District Yavatmal for the offences punishable under Sections 306 and 498-A read with Section 34 of the Indian Penal Code, be released on anticipatory bail on executing a PR.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 10.00 a.m. and 1.00 p.m. and shall cooperate with the investigating agency.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*