



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

CRIMINAL APPLICATION (BA) NO.623/2024

Tukaram s/o Harish Jadhav Vs. The State of Maharashtra thr. P.S.O., P.S. Khandala,
Distt. Yavatmal

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

Court's or Judge's orders

Shri K.S. Narwade, Advocate for applicant
Ms Soniya Thakur, APP for respondent/ State

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/07/2024

The applicant came to be arrested on 08/04/2024 in connection with Crime No.114/2024 registered with Police Station Khandala, District Yavatmal, for the offences punishable under Section 306 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by father Devichand Seva Aade, alleging that the marriage of his elder daughter was performed with the present applicant prior to 10 years. After marriage, for some days, she was treated well and, thereafter, she was subjected for the harassment for illegal demand of Rs.50,000/-. As she fade up with said harassment, she committed suicide on 08/04/2024, by jumping into the well. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant. He submitted that the death of the deceased has not

within 7 years of marriage, therefore, presumption is not attraction. He further submitted that as far as the allegation against the present applicant is concerned, which are general in nature, there was no previous complaint as to the harassment. Now investigation is already completed and chargesheet is already filed. Further incarceration of the present applicant is not required.

4. Learned APP for State strongly opposed the said application on the ground that the victim was continuously subjected for harassment by the husband which abetted her to commit suicide and, therefore, she has committed suicide. If the present applicant is released on bail, he would tamper with the prosecution evidence.

5. Heard learned Counsel for applicant and learned APP for the State, perused the investigation papers, from which, it reveals that the allegations against the present applicant is that the present applicant, who is her father-in-law against whom, the general allegation is made. The allegation against the present applicant is that the deceased was subjected for harassment for the demand of Rs.50,000/-. Admittedly, there was no previous complaint as to the harassment, the marriage took place prior to 10 years, thus the death is not within the 7 years of marriage. Considering, the allegation against the present applicant, which is general in nature, his further incarceration is not required. Now the investigation is

completed and chargesheet is already filed. In view of that the application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant- **Tukaram s/o Harsing Jadhav**, in connection with Crime No.114/2024 registered with Police Station Khandala, District Yavatmal, for the offences punishable under Section 306 read with Section 34 of the Indian Penal Code, be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.
- (iii) The applicant shall not enter into the vicinity of Vasantwadi, Taluka Pusad, District Yavatmal, till culmination of trial.
- (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.

JUDGE

R.S. Sahare