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

CRIMINAL APPLICATION (BA) NO.844 OF 2024
Mr.Manpreet Singh s/o Kulbinder Singh Virk
..vs..
State of Maharashtra, through Kapil Nagar Police Station, Kapil Nagar, Nagpur

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

Shri S.P.Bhandarkar, Counsel for the Applicant.
Shri D.V.Chauhan, Public Prosecutor (Senior Counsel) assisted by Shri N.B.Jawade, Addl.P.P. for the State.

CORAM : URMILA JOSHI-PHALKE, J.
CLOSED ON : 30/09/2024
PRONOUNCED ON : 07/10/2024

1. By this application, the applicant seeks regular bail in connection with Crime No.256/2024 registered with the non-applicant/police station for offences punishable under Sections 109 and 302 of the Indian Penal Code.

2. The applicant is arrested on 9.8.2024 and since then he is in jail.

3. The crime is registered on the basis of a report lodged by brother of Mannat @ Minu Dilpreet Kour (the deceased) on allegations that the deceased was married with co-accused Dilpreet in the year 2022, which was a love marriage. She had one son

from the said wedlock. It is alleged that after the marriage, within fifteen days, co-accused Dilpreet started ill-treating her by suspecting her character. On 24.6.2024, the deceased went along with her friend at Sadar. On that count also, co-accused Dilpreet abused her by suspecting her character. On 25.6.2024, when he called co-accused Dilpreet, co-accused Dilpreet, who is his brother-in-law, had not picked up his telephonic call and, therefore, he called brother Manpreet of co-accused Dilpreet, but he could not communicate with him also. A friend of the deceased namely Heena Daswani visited the house of the deceased, but she found that the house is locked from outside and the deceased was not picking up calls and, therefore, she approached police station. The police broke open doors and the deceased was found lying in a pool of blood. On the basis of the said report, the police registered the crime against co-accused Dilpreet. During investigation, involvement of the applicant revealed and, therefore, he was arraigned as an accused and arrested.

4. Heard learned counsel Shri S.P.Bhandarkar for the applicant and learned Public Prosecutor Shri D.V.Chauhan for the State.

5. Learned counsel for the applicant submitted that from entire investigation papers, role of the applicant in commission of the crime is not revealed. The applicant was harassed by investigating officer and, therefore, he lodged a complaint to superior of the investigating officer and, therefore, he is implicated in the alleged offence. He submitted that during investigation, CCTV Footage was collected, which shows that after the incident, the applicant visited his brother's house, but as the house was locked, he returned and approached to the police along with the friend of the deceased. Thus, by no stretch of imagination, involvement of the applicant revealed in eliminating the deceased. At the most, offence under Section 498-A of the Indian Penal Code would attract against the applicant. Now, the investigation is completed and chargesheet is filed and, therefore, further incarceration of the applicant in jail is not required.

6. In support of his contentions, learned counsel for the applicant placed reliance on following decisions:

> 1. Arshad Sheikh vs. State of Maharashtra, through Kotwali P.S., reported in 2021 SCC OnLine Bom 13745;
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> 2. Criminal Application (BA) No.265/2024 (Dadaya @ Praful s/o Waman Kukde vs. State of Maharashtra)

decided by this court on 29.4.2024;

3. Criminal Application (APPP) No.1346/2023 in Cr.Appln. APL No.573/2022 (Nikhil Ashokrao Waghmare and ors vs. The State of Mah. and anr) decided by the Division Bench of this Court on 18.10.2023;

4. Criminal Application No.788/2012 (Mrs.Ratnaprabha w/o Dr.Ramakant Nilkanthrao Ghuge (Pangrekar) vs. State of Mah., thr.PSO Malegaon, District Washim) decided by this court on 8.2.2013.

Learned counsel for the accused submitted that in all cases *supra*, applicants therein are released on bail.

7. *Per contra*, learned Public Prosecutor for the State submitted that though involvement of the applicant was not in actual incident of eliminating the deceased, but a young girl lost her life having child of two years. She has filed NC Report against the applicant as well as co-accused Dilpreet, which shows that the applicant and other co-accused mother-in-law and the husband of the deceased were ill-treating and suspecting her character. On the day of the incident also, there were consistent calls between both brothers and the deceased was eliminated. He invited my attention towards CCTV Footage and statements of father of the deceased and other relatives and submitted that involvement of

the applicant reveals from said statements and prays for rejection of the application.

8. After hearing learned counsel appearing for parties and perusing investigation papers, it reveals that on the day of the incident, there was a quarrel between the deceased and co-accused Dilpreet as the deceased went in the market along with her friend. During evening time, co-accused Dilpreet came at home on a pretext of obtaining his clothes and, thereafter, the deceased was found dead and the house was found locked from the outside. Prior to this incident, not only the deceased but also mother-in-law of the deceased also filed a complaint against the deceased on the basis of which NC Report was registered. Prior to the incident also, on 22.2.2024, the deceased as well as her mother-in-law filed report against each other. In the NC Report dated 22.2.2024, there is an allegation against the applicant of ill-treatment and harassment.

9. As far as the death of the deceased is concerned, admittedly, there is no eyewitness to the said incident. Statement of one Heena, who is friend of the deceased, was recorded, from which it was revealed that on 25.6.2024, the deceased had called

her and disclosed that she is approaching to the police station for lodging report against her in-laws and husband. In the evening, when she had called the deceased and was communicating, co-accused Dilpreet came at home and, therefore, the deceased disconnected the call. Thereafter, the deceased has not picked up call and, therefore, she visited the house of the deceased, but the house of the deceased was found locked from outside and the deceased was not picking up calls. Therefore, she was returning and on the way, near the house of the deceased, the applicant met her and, thereafter, they both approached the police. This fact is also substantiated by the CCTV Footage, which shows that at about 23:09:08, co-accused Dilpreet was seen approaching Flat No.109 and at about 23:23:46, the applicant was seen approaching Flat No.109 along with Heena Daswani.

10. Thus, CCTV Footage shows that when the applicant visited the house of the deceased, he was along with the friend of the deceased. Statements of father and brother of the deceased were also recorded and on the basis of the same statements, it revealed that allegation against the applicant is only to the extent of abetment at the hands of the applicant that is also a general allegation.

11. Thus, from investigation papers it reveals that allegation against the applicant is only to the extent of ill-treatment and abetment at the hands of the applicant.

12. Now, investigation is already completed and chargesheet is filed. Considering the role of the applicant, his further incarceration in jail is not required.

13. In view of that, the application deserves to be allowed by imposing certain conditions, as per following order :

ORDER

(1) The Criminal Application is **allowed**.

(2) Applicant Mr.Manpreet Singh s/o Kulbinder Singh Virk, shall be released on bail, in connection with Crime No.256/2024 registered with the non-applicant/police station for offences punishable under Sections 109 and 302 of the Indian Penal Code, on his executing a P.R.Bond in the sum of Rs.50,000/- with one solvent surety of the like amount.

(3) He shall not enter into the jurisdiction of Jaripatka Police Station, Nagpur, till culmination of the trial.

(4) He shall not induce or threat or promise to any of witnesses connected with the crime in question and shall not tamper the prosecution evidence.

(5) He shall attend proceedings before the Sessions Court, Nagpur without seeking any exemption, unless there are any exceptional circumstances.

Application stands **disposed of**.

(**URMILA JOSHI-PHALKE, J.**)

!! BrWankhede !!