



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

CRIMINAL APPLICATION (BA) NO.878 OF 2024

Santosh s/o Waman Mohite
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Umarkhed, District Yavatmal

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

Court's or Judge's orders

Mr. A. K. Bhangde, Counsel for the applicant.
Mr. K. R. Lule, APP for non-applicant /State.
Mr. A. A. Zade, Counsel for assist to prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/10/2024

Criminal Application (APPP) No.1749/2024

1. By this application, the original complainant is seeking permission to engage the Counsel to assist the prosecution.
2. In view of the reasons mentioned in the application, the complainant is permitted to engage the Counsel to assist the prosecution.
3. The application is disposed of.

CRIMINAL APPLICATION (BA) NO.878 OF 2024

1. The applicant came to be arrested on 23/04/2024 in connection with Crime No.291/2024 registered with Police Station, Umarkhed, District Yavatmal for the offence punishable under Sections

304-B and 306 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by the father of the deceased on an allegation that the marriage of his daughter Rajeshwari was performed with present applicant on 30/05/2019 and thereafter, she resumed the cohabitation at the house of the present applicant. However, after marriage, she was not treated well and she was subjected for ill-treatment as they were not treated well in the marriage. Thereafter, from the said wedlock, she begotten two daughters, on that count also, she was ill-treated as she fed up with the ill-treatment at the hands of the present applicant and co-accused, she committed suicide by hanging herself.

3. Learned Counsel for the applicant submitted that as far as the present applicant is concerned, who is the husband, against whom it is alleged that he has ill-treated the deceased and therefore, she committed suicide. He submitted that even accepting the allegation as it is, the offence under Section 306 of the Indian Penal Code is punishable with imprisonment up to ten years. Now the investigation is completed and charge-sheet is already filed. Moreover, it is to be taken into consideration that, the deceased cohabited with the present applicant for more than four years and they

are having two daughters. Previously there was a complaint, but which resulted into compromise and thereafter, she resumed the cohabitation. Merely because the deceased has committed suicide, this false report is lodged against the present applicant.

4. Learned APP and learned Counsel for the complainant strongly opposed the said application on the ground that within seven years of marriage, death of the deceased is caused as she was ill-treated at the hands of the present applicant and other co-accused. If applicant/accused is released on bail, he would tamper the prosecution evidence and considering the gravity of the offence, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers from which it reveals that there was a complaint of ill-treatment which was disclosed by the deceased to her father. As the deceased was fed up with the ill-treatment at the hands of the present applicant, she committed suicide by hanging herself. At this stage, *prima facie* case is made out against the present applicant, but considering that the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Santosh s/o Waman Mohite** shall be released on bail in connection with Crime No.291/2024 registered with Police Station Umarkhed, District Yavatmal for the offences punishable under Sections 304-B and 306 read with Section 34 of the Indian Penal Code, on executing PR Bond of Rs.25,000/- with solvent surety in the like amount.
- (iii) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
- (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.)