



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

CRIMINAL APPLICATION (ABA) NO.669 OF 2023

Bhagwat Prabhakar Wankhede

Vs.

State of Maharashtra, Through Police Station Officer, Mahagaon,
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. P. S. Chauhan, Advocate for applicant.
Mr. A. G. Mate, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/02/2024

1. 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 accusation is against the present applicant on the basis of report lodged by Pandurang Yadavrao Kadam, as per the allegation present applicant is the nephew of Vilas Sidoba Wankhede and deceased. As per the allegation, the marriage of the deceased Priyanka was performed in the year 2013 with Vilas Sidoba Wankhede. After marriage, she received the cohabitation, but as per the allegations, she was ill-treated by the present

applicant and other co-accused for demand of Rs.5,00,000/- for purchasing the tractor. It is further alleged that prior to the incident, deceased has made a phone call to her cousin sister Ujwala and thereafter, she has committed suicide by jumping into the Well on 29.06.2023. On the basis of the said report, police have registered the crime.

3. Learned Counsel Mr. Chauhan, for the applicant submitted that as far as the allegations are concerned against the present applicant, which are general in nature. The applicant is not residing along with the deceased and co-accused Vilas. Merely because he is related to the Vilas, his name is implicated in the said crime. Now, the investigation is completed and charge-sheet is about to be filed. He further submitted that considering the call record which nowhere shows that the deceased at any point of time has communicated her cousin Ujwala, therefore, there is no substance in the allegations. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP strongly opposed the application on the ground that within seven years of marriage, the deceased was ill-treated by the present applicant and other co-accused, as she fed up with the said ill-treatment, she committed suicide on 29.06.2023. The custodial interrogation of the

present applicant is required and prays for rejection of the application.

5. I have perused the recitals of the FIR and the entire investigation papers. As far as the allegation against the present applicant is concerned, which is general in nature. Considering the nature of the allegations, custodial interrogation of the present applicant is not required. From the investigation papers, it reveals that the maximum investigation is already completed. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) The applicant **Bhagwat Prabhakar Wankhede** in the event of his arrest, in connection with Crime No.376/2023 registered with Police Station Mahagaon, District Yavatmal for the offence punishable under Section 306 and 498-A read with Section 34 of the Indian Penal Code, be released on anticipatory bail, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend Police Station as and when required for the investigation purpose.

(4)

15.aba.669.2023

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate