



A.B.A. No. 267/2022
Prakash + 1 X State
MHBU11-000808-2022

ORDER BELOW EXH. 01

1. Applicants (1) Prakash Bhaurao Gorade, (2) Dipak Panjabrao Jadhav, have moved the present application for grant of anticipatory bail under Section 438 of Cr.P.C., as they apprehends their arrest in Crime No. 292/2022 registered with Dhamangaon Badhe Police Station for the offence under Sections 304-B, 504 read with Section 34 of Indian Penal Code.
2. Investigating Officer has filed his say at Exh. 09 through Ld. A.P.P. and resisted the application.
3. Heard Ld. Advocate Shri. G.D. Patil for applicants and Ld. A.P.P. Shri. V.M. Bapat for prosecution.
4. Ld. Advocate for applicants submits that, present applicant No. 1 is mediator of marriage between Sagar and deceased Gayatri and and applicant No. 2 is cousin brother of husband of deceased. He further submits that, both applicants used to reside separately, they never resided with deceased and her husband. He further submits that, all the allegations in respect of demand of dowry and harassment on that count are vague and false. He further submits that, informant falsely implicated name of all the relatives

of accused No. 1 and mediator in this offence. He further submits that, the informant also falsely implicated handicapped co-accused No. 7 Vandana which suggests that, all the allegations are false. The allegations of demand of dowry are false. He further submits that, in fact deceased has no desire to cohabit with accused Sagar as her marriage was arranged by his father against her wish and therefore, she has committed suicide. He further submits that, false case is registered under depression and anger due to the loss of daughter. He further submits that, if applicants arrested in false case they will humiliated in the eyes of society and suffer irreparable loss. He prayed for anticipatory bail.

5. Ld. A.P.P. submits that, in view of nature and allegations of offence, necessary order may be passed.
6. Perused the application, say filed by I.O. and case papers including case diary.
7. After perusal of the application and documents attached with application, in the background of submissions of learned advocate for applicants/accused, probability of false implication can not be ruled out. It appears that, informant has roped all

relatives of husband of deceased daughter in this crime. As per submission, both applicants used to reside in separate houses. They never resided with deceased and her husband. Prima facie custodial interrogation of present applicants/ accused are not necessary for the purpose of investigation. No purpose will be served by arrest of the applicants/ accused. Considering the facts and circumstances of the case, I am of the view that, applicants are entitled for anticipatory bail. The reasons stated in say of Investigating Officer are not sufficient to reject the bail application. Hence, in result I proceed to pass following order :-

ORDER

1. The application Exh. 1 is allowed. The interim order passed below Exh. 4 on 09/11/2022 is hereby confirmed and made absolute.
2. In the event of arrest of applicants (1) Prakash Bhaurao Gorade, (2) Dipak Panjabrao Jadhav, by Dhamangaon Badhe Police Station in Crime No. 292/2022 which is registered under Sections 304-B and 504 read with Section 34 of Indian Penal Code, applicants be released on executing their P.R. Bond of Rs. 30,000/- (In words Rupees Thirty

Thousand Only) each with surety in like amount, on conditions that :-

- 2.1. Applicants/accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any Police Officer and not to pressurize any prosecution witness.
 - 2.2. Applicants are directed to attend concerned police station on every Thursday in between 11.00 a.m to 1.00 p.m. and co-operate with investigation.
 - 2.3. The applicants shall provide copies of their two permanent address proof.
 - 2.4. The applicants/accused shall not leave India without permission of the Court.
3. Inform concerned police station accordingly.

Malkapur.
Date - 22/11/2022

(Prakash R. Kadam)
Additional Sessions Judge,
Malkapur.

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C.N.R. No. MHBU11-000808-2022 ... 5 ...

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ORDER BELOW EXH. 1

CERTIFICATE

I certify that this order P.D.F. uploaded is a true and correct copy of original signed order.

Name of Court : Additional Sessions Judge, Malkapur.

Name of Steno. : Miss H.D. Chaudhari.