

Common Order below Exh.1 in Cri.Bail Application No.145/2020

(CNR No.MHPA040004172020) Vasantrao Vs. State

with

Order below Exh.1 in Cri.Bail Application No.151/2020

(CNR No.MHPA040004232020) Arvind Vs. State

01- Applicant-accused No.1 in Bail Application No.151/2020 has requested for regular bail under Section 439 of Cr.P.C. in Crime No.187/2020 registered with Kalamnuri Police Station for an offence under Section 498-A, 306 read with Section 34 of Indian Penal Code. Applicant Arvind is a husband of the deceased and he is arrested on 03.06.2020.

02- In Bail Application No.145/2020 applicants (accused No.2 and 3) who are in laws of the deceased Rakshada in Crime No.187/2020 registered with Kalamnuri Police Station for the offence under Section 498-A, 306 read with Section 34 of Indian Penal Code have prayed for anticipatory bail under Section 438 of Cr.P.C.

03- The allegations against the applicants are that after the marriage of deceased Rakshada with accused No.1 which is performed on 27.05.2017, accused harassed deceased Rakshada for demand of dowry amount of Rs. 3,00,000/- for the purpose of making the repayment of the loan raised by accused No.1 for his hard-ware shop. Deceased on 06.01.2020 had been to her parents house and then she disclosed to her parents that the accused are demanding amount of Rs. 3,00,000/- and for that purpose are harassing her. Deceased Rakshada alongwith her daughter returned to her matrimonial home. On 18.01.2020 brother of the deceased went at her matrimonial home and

she disclosed to him that the accused are harassing her. On 28.01.2020 deceased Rakshada committed suicide by hanging into her matrimonial home.

04- Applicant Arvind has stated that his further custody for the purpose of investigation is not necessary. There is inordinate delay in filing the report. Hence, he requested for regular bail. Applicants Vasantrao and Meenakshi have stated that applicant Vasantrao is serving as a teacher, false report is filed after delay about 4 months only to blackmail the applicants to extract the amount and on their failure false report is filed. Thus, they requested for anticipatory bail.

05- Bail Applications are opposed by investigating officer and APP on the ground that the offences are serious. Accused have harassed the deceased and coerced to commit suicide. If the applicants are released on regular and anticipatory bail, then they may pressurize the witnesses. Investigation is still pending.

06- I heard Advocate R.B.Soni for the applicants and APP N.S.Mutkule for the prosecution. Perused the police papers.

07- In the present matter deceased and accused No.1 married on 27.05.2017 and they are also blessed with a daughter. Deceased has committed suicide on 28.01.2020 by hanging into her matrimonial house. A.D. report was registered on 29.01.2020. Thereafter, statements of parents of the deceased were recorded on 30.01.2020 and they have shown no suspicion upon anyone, nor disclosed to the police that the accused had ever demanded amount of Rs. 3,00,000/- and on that

count harassed the victim. After 4 months delay I.e. on 02.06.2020 Meena Kadam mother of the deceased Rakshada lodged the report with Kalamnuri Police Station with allegations that the accused were harassed the deceased for demand of Rs. 3,00,000/,. therefore, she has committed suicide. Thus, there is delay about 4 months in filing the FIR.

08- Accused No.1 was arrested on 03.06.2020 and investigating officer after obtaining his PCR on 06.06.2020 sought his MCR. Now accused No.1 is in judicial custody. Thus, further custody of the accused No.1 for the purpose of investigation is not required. Most of the investigation is completed. Therefore, in my view, considering delay of 4 months in filing FIR it would be just and proper to grant regular bail to the applicant-accused No.1 Arvind.

09- As far as accused Nos. 2 and 3 are concerned the investigating officer has nothing to seize from them, therefore, their custodial interrogation is not required. Moreover, there is delay about 4 months in filing the FIR. The informant and her husband on 3-0.01.2020 in their statements did not disclose to the police that the accused were harassing their daughter deceased Rakshada and therefore, she committed suicide. As such considering such delay and absence of any need to have custodial interrogation of accused Nos. 2 and 3 and further accused No.2 being teacher and accused No.3 being lady would be just and proper to grant anticipatory bail to accused Nos. 2 and 3. In the result, I pass following order.

Order.

- 1- Bail Application No.145/2020 and 151/2020 are allowed.
- 2- Applicant No.1 Vasantarao Suryabhan Dhengle and

applicant No.2 Meena Vasantao Dhengle, in the event of their arrest, in Crime No.187/2020 registered with Kalamnuri Police Station for the offences under Section 498-A, 306 read with Section 34 of Indian Penal Code, be released on execution of P.R. bond for Rs. 15,000/- each with surety of like amount.

- 3- Applicant Arvind Vasantao Dhengle in crime No.187/2020 registered with Kalamnuri Police Station for the offences under Section 498-A, 306 read with Section 34 of Indian Penal Code be released on bail execution of P.R. bond for Rs. 15,000/- with surety of like amount.
- 4- The applicants are directed to co-operate to the investigating officer and shall remain present before him as and when called.
- 5- The applicants further directed not to threat and pressurize any of the prosecution witnesses.
- 6- Bail of accused No.1 Arvind be furnished before concerned Magistrate.
- 7- Inform accordingly to the concern J.M.F.C. and investigating officer.
- 8- Original order be put up in Bail Application No.145/2020 and its copy be placed in Cri. Bail Application No.151/2020.

Date:09.06.2020

(N.B.Shinde)
Additional Sessions Judge
(Fast Track Court)Hingoli.