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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 5639 of 2012

Jasbirsingh @ Jassasingh
s/o. Kulwantsingh Kang,
Age : 32 years,
Occupation : Business,
R/o. Hirapur,
District : Raipur (Chhattisgad State). .. Applicant.

versus

The State of Maharashtra,
Through Vazirabad Police Station,
Nanded,
Taluka & District : Nanded. .. Respondent.

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Mr. G.R. Syed, Advocate, for the applicant.

*Mr. S.K. Kadam, Additional Public Prosecutor, for
the respondent.*

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CORAM : SHRIHARI P. DAVARE , J.

DATE : 28TH DECEMBER 2012

COURT'S ORDER :

1. Heard learned respective Counsel for the parties.
2. This is an application preferred by the applicant (original

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accused), namely, Jasbirsingh @ Jassasingh s/o. Kulwantsingh Kang, seeking bail under C.R. No. 158/2012 registered at Vazirabad Police Station, Nanded, for the offences punishable under Sections 498-A, 306, read with Section 34 of Indian Penal Code.

3. It appears that the offence has been registered on the basis of the FIR lodged by the complainant, namely, Dalbirsingh s/o. Karamsing Khaira, on 30th September 2012, alleging that the applicant and other co-accused persons subjected his daughter, namely, Manpreet Kaur, to cruelty for non-fulfillment of unlawful demand of Rs. 5,00,000/- for the purchase of truck, and therefore, she committed suicide by consuming poisonous substance on 9th September 2012 and succumbed to the same on 21st September 2012.

4. It is reported that the other co-accused persons, namely, Shiro Kaur and Baby Kaur, who are women, are enlarged on bail by the learned Sessions Court, but husband of the victim, namely, Sukhbirsing, is still under judicial custody.

5. It appears from the contents of the FIR that apparently, there are no specific allegations against the applicant herein in respect of commission of the offence and whatever allegations levelled against the applicant are, apparently, general and omnibus allegations. Moreover, it reflects from the contents of the FIR that the alleged incident i.e. consumption of poisonous substance by the victim took place on 9th September 2012, and thereafter she succumbed to the same on 24th September 2012, but still FIR came to be lodged after delay of about six days i.e. 30th September 2012, which apparently, gives room for suspicion

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and concoction. In the circumstances, the applicant herein has made out a case for grant of bail, and therefore, deserves to be enlarged on bail.

6. In the result, present Application is allowed and it is directed that the applicant, namely, Jasbirsingh @ Jassasingh s/o. Kulwantsingh Kang, be released on bail under C.R. No. 158/2012 registered at Vazirabad Police Station, Nanded, on execution of P.R. Bond in the sum of Rs. 15,000/- [Rupees fifteen thousand] with one or two sureties of the like amount, on the following conditions :

(a) The applicant shall give attendance before concerned investigator twice in a week i.e. Tuesday and Friday between 5.00 p.m. to 7.00 p.m. till completion of investigation, and shall cooperate in the investigation.

(b) The applicant shall not influence upon prosecution witnesses and / or tamper with the prosecution evidence in any manner whatsoever.

7. Present Application is disposed of accordingly.

8. However, it is made clear that the above observations are prima facie in nature, and same shall be restricted to this order only and shall not be used in any other matter while deciding it on merits.

(SHRIHARI P. DAVARE)
VACATION JUDGE

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