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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.187 OF 2015

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| 1. Pandurang Vithoba @ Vitthal Padule
Age-49 years, Occ-Agriculture
R/o Chinchwadgaon, Taluka-Wadwani
District – Beed | APPLICANTS |
| 2. Dhondiram Vithoba @ Vitthal Padule
Age-40 years, Occ-Agriculture
R/o Chinchwadgaon, Taluka-Wadwani
District – Beed | |

VERSUS

The State of Maharashtra	RESPONDENT
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Mr. P. D. Suryawanshi, Advocate for the applicants	
Mrs. M. A. Deshpande, APP for respondent State	

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WITH
CRIMINAL APPLICATION NO.515 OF 2015
IN
CRIMINAL APPLICATION NO.187 OF 2015

Mahadeo Manohar Murkute	APPLICANT
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VERSUS

Pandurang Vithoba @ Vitthal Padule & Others	RESPONDENTS
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Mr. S. S. Thombre, Advocate for the applicant	
Mr. P. D. Suryawanshi, Advocate for the respondents	
Mrs. M. A. Deshpande, APP for respondent State	

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[CORAM : T.V.NALAWADE, J.]

DATE: 30th JANUARY, 2015

ORDER:

1. The application is filed for the relief of anticipatory bail. Both the sides are heard.

2. The crime is registered on the basis of given by one Mahadeo Murkute for the offence punishable u/s 376, 306 r/w 34 of the Indian Penal Code and u/s 3 and 4 of the Protection of Children from Sexual Offences Act.

3. Allegations are made that the deceased, sister of the complainant, had come in contact with Ganesh, who had given her promise of marriage and so the deceased kept physical relations with Ganesh. Ganesh thereafter refused to marry sister of the complainant. The allegations are that the present applicants had come with Ganesh to the complainant on 02.12.2014 when Ganesh had said that he will not marry the deceased. Thereafter sister of the complainant committed suicide by consuming poison.

4. Learned advocate for the applicants made a statement that the first report was given to the police chowki situated within the compound of the hospital. He had applied for copy of the said report given by the complainant in the police chowki, which was

first in time. Copy of said report is taken on record as Article "A". In this report, there was not even mention of name of the applicants that they are responsible for the suicide of sister of the complainant. Even in the FIR, on the basis of which the crime has been registered, there is only allegation that the applicants had visited house of the complainant on 02.12.2014 along with Ganesh, when Ganesh had refused to marry sister of the complainant.

5. In view of nature of allegations made against the applicants, this Court holds that the police should not need custodial interrogation of the applicants.

6. In the result, the application is allowed. Interim relief granted in favour of the applicants is confirmed.

7. Criminal application No. 515 of 2015 filed for assist to APP is allowed.

[T.V.NALAWADE, J.]