

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 809 OF 2015

Vasant Jahangir Pawara and Ors. **....Applicants.**

Versus

The State of Maharashtra **....Respondent.**

Mr. A.S. Savale, Advocate for applicants.

Mr. R.P. Phatke, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 3rd March, 2015.

ORDER :

1. The application is filed for relief of anticipatory bail. Both the sides are heard. This Court has perused the papers of investigation.

2. The crime is registered on the basis of report given by one Rulabai Manya Pawara. She is mother of Rekhabai. Rekhabai was given in marriage to Sama Jahangir Padvi. Sama had died about one and half months prior to the incident in question. Applicants are relatives of said Sama. On the day of incident, Rekhabai was living with her mother.

3. Allegations are made that on 2.10.2013 after 2.30

p.m. when the complainant, Rekhabai and other daughter of complainant, Jemabai were present in the house, all the applicants came to the house of complainant. They started inquiring about Rekhabai. When the complainant tried to convince them, the applicants started assaulting her. It is contended that they forcibly took Rekhabai out of the house and they took her with them. It is contended that during the incident, they had entered the house and they had caused damage to the household articles. The report was given on the same day and the crime came to be registered for the offences punishable under sections 452, 363, 148, 149, 427 etc. of I.P.C.

4. This Court has gone through the papers of investigation which include the injury certificates in respect of Jemabai and Rulabai. There is statement of Rekhabai which is to the effect that she was forcibly taken away from the house of her mother and she was detained by confining her at various places. She somehow rescued herself and then approached to police and then her statement came to be recorded. The spot panchanama is consistent with the allegations made in the F.I.R.

5. The learned counsel for the applicants submitted that the applicants have filed a private complaint in respect of

death of Sama and they have contended that the present complainant's side has committed murder of Sama. Copy of private complaint is shown to this Court. Though the complaint was filed in the Court long back, even the order under section 156 (3) of Cr.P.C. or any other order is not made on the complaint. The learned APP submitted that no crime is registered in respect of death of Sama and only A.D. was registered and inquiry of A.D. is completed.

6. There is allegation of Rekhabai that when she was taken away and confined, on some documents her thumb impressions were obtained. In view of the submissions made, the said record needs to be traced. In view of nature of allegations, this Court holds that custodial interrogation is must.

7. In the result, the application is rejected. Interim relief granted in favour of applicants is vacated.

[T.V. NALAWADE, J.]

SSC/