

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1499 OF 2015

1. Bhimrao s/o Mahadev Narwade,
Age : 60 years Occu. Agri.

2. Vinod s/o Bhimrao Narwade,
Age : 35 years, Occu. Agri.

Both r/o Masala (Kh.), Taluka
Tuljapur, District Osmanabad

APPLICANTS

VERSUS

The State of Maharashtra
through Police Inspector,
Police Station, Tamalwadi,
Tq. Tuljapur, Dist. Osmanabad

RESPONDENTS

Mr. V.D. Salunke, Advocate for the applicants
Mrs. B.B. Gunjal, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 25/03/2015

ORAL ORDER :

1. Heard both sides.

2. The present applicants, who are apprehending their arrest at the hands of Tamalwadi Police Station, Taluka Tuljapur, District Osmanabad, in Crime No. 72/2014, registered for the offences punishable under

section 302, 304(B), 498-A read with section 34 of the I.P. Code, are praying for their release on bail in the event of their arrest.

3. The applicants' earlier application, for similar relief, bearing Criminal Application No. 6964/2014 was allowed to be withdrawn by this Court vide order dated 29th December, 2014.

4. The applicants are the father-in-law and brother-in-law, respectively of deceased Vrushali. She had married to Pralhad i.e. son of present applicant No. 1 on 7th April, 2014. Thereafter, she died on 18th October, 2014. The complaint filed by the uncle of the deceased would show that the deceased was being illtreated by all her family members on the ground that her husband had illicit relations with his sister-in-law, namely, Urmila and therefore, said sister-in-law Urmila as well as her husband also used to join in beating the deceased. They used to say that the deceased was of not good height and was not, therefore, liked by them. On 13th August, 2014, the deceased had even shown some injury marks over her body. In the circumstances, on 18th October, 2014, the deceased died.

When the uncle of the deceased i.e. the complainant inspected the dead-body of the deceased, he found a mark of pressing over the neck of the deceased and both lips were swollen. On the basis of this complaint, the offence came to be registered.

5. Now the chargesheet is filed. The husband of the deceased is already released on regular bail by the Sessions Court.

6. Mr. V.D. Salunke, learned counsel for the applicants submits that when the earlier application for releasing the present applicants on anticipatory bail, bearing Criminal Application No. 6964/2014, was filed, the investigation was in progress. Therefore, on 29th December, 2014, in view of the contents in the FIR, upon hearing both the sides, the present applicants were allowed to withdraw the said application. Now, however, the chargesheet is filed and the husband of the deceased is released on bail. In the circumstances, he points towards the material that has been filed in the chargesheet. He submits that the post-mortem notes would show that there were no external injuries on the dead-body of the deceased except the therapeutic

injection marks. Further though the Medical Officer has found that internal organs like brain, thorax, etc. were found congested by the Medical Officer, the chemical analyzer's report would show that no poisonous substance was found in the viscera. In the circumstances, Mr. Salunke submits that the contents of the FIR that the mark of pressure over the neck of the deceased and both the lips of the deceased were found swollen, are totally false. In the circumstances, he submitted that when there are prominent allegation against the husband of the deceased that he has illicit relations with his sister-in-law with further unnatural allegation that the said sister-in-law and even her husband used to beat the deceased on that count, he submits that the present applicants be released on anticipatory bail.

7. The learned A.P.P., on the other hand, opposed the application. She submits that when the earlier application for similar relief is withdrawn by the present applicants after hearing both the sides, now they may not be granted anticipatory bail.

8. Considering all the material on record, which has now come forward in view of the filing of the

chargesheet and finding that the prominent role is alleged against the husband of the deceased, who is already released on bail, in my view, now the custodial interrogation of the present applicants is not required. In the circumstances, the following order:-

9. In the event of arrest of both the applicants in Crime No. 72/2014, registered with Tamalwadi Police Station, Taluka Tuljapur, District Osmanabad, for the offences punishable under section 302, 304(B), 498-A read with section 34 of the I.P. Code, they be released on bail on their executing P.R. bond in the sum of Rs. 20,000/- (rupees twenty thousand) each and also upon furnishing surety each in the like amount.

. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE