

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 1972 OF 2015.

PANDURANG S/O PUNDLIK NAGARE & ORS.
VERSUS
THE STATE OF MAHARASHTRA & ORS.

Appearance =>

Mr. Niteen Gaware, Advocate for the Applicants.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 24th April, 2015.

Per Court :-

Present Criminal Application is filed by the applicants for grant of anticipatory bail, since they are apprehending their arrest in connection with CR No. 12/2015 registered with Police Station, Ashwi, Taluka – Sangamner, District - Ahmednagar for the offences punishable under Section.s. 306 read with 34 of the Indian Penal Code.

[2] Heard Mr. Niteen Gaware, learned counsel for the Applicants and Mr. A.S. Shinde, learned Additional Public Prosecutor for the State.

[3] First Information Report is lodged on 25th March, 2015. It was lodged by Sindhutai Bhausaheb Sanap, mother of deceased – Jyoti. Jyoti committed suicide at her parental house on 17th February, 2015. Thus, First Information Report is lodged after lapse of five days.

[4] Applicant No.1 – Pandurang and Applicant No.2 – Pradeep are father-in-law and brother-in-law of Jyoti, respectively. Jyoti was married with Prakash Pandurang Nagare on 19th November, 2009. First Information Report itself discloses that deceased was residing alongwith her husband at Loni Kand, Pune. On 8th August, 2013 her husband demanded Rs.20 lakhs from her and on the said day, she was assaulted by her husband. In that behalf, report was lodged with Police and from 8th August, 2013 Jyoti started to reside at her parental home at Ozhar Budruk, Tal. Sangamner, District – Ahmednagar.

[5] First Information Report further reveals that on 12th August, 2013 proceedings were initiated against her husband and her in-laws. Those proceedings are under Section/s 12, 8, 20 and 22 of the Protection Of Women From Domestic Violence Act, 2005. Mr. Shinde, learned Additional Public Prosecutor also submits that even in the year 2013 proceedings were initiated for the offence punishable under Section 498(A) of the Indian Penal Code against the present applicants also.

[6] The applicants have placed on record copy of Roznama of said proceedings. Said proceeding was registered as Cri.M.A.No.175/13.

[7] From the Roznama dated 13/12/2014 it appears that though the matter was referred before the Lok-Adalat for settlement however, compromise could not take place, therefore, matter was again taken on the Board of the learned Judicial Magistrate, First Class.

[8] In the First Information Report, date of Lok-Adalat is mentioned, which is factually incorrect, in view of Roznama of Cri.M.A.No.175/13. Further the First Information Report states that on the

day of Lok-Adalat deceased and her husband were directed to sit in a separate room so as to arrive them at settlement. However, according to the First Information Report, Jyoti reveals to the first informant that, her husband disclosed to her that he has no intention to compromise the matter and he is not going to take her for cohabitation.

[9] Allegations made against the present applicants is that at that time, they also says that they will not allow the deceased to resume the cohabitation.

[10] The nature of accusation made against the present applicants in the First Information Report are thus very general in nature. Even if the entire allegations are taken to its face value, it suggest, at least for considering the application for anticipatory bail that there was no instigation at the hands of present applicants to Jyoti so that she should take extreme step in her life. In that view of the matter, I pass the following order :-

ORDER

(i) In the event of arrest, Applicant No.1 - PANDURANG S/O PUNDLIK NAGARE and Applicant No.2 – PRADEEP PANDURANG NAGARE shall be released on anticipatory bail on they executing P.R. Bond of Rs. 10,000/- [Rs. Ten Thousand.] each with one solvent surety in the like amount, in connection with CR No. 12/2015 registered with Police Station, Ashwi, Taluka – Sangamner, District - Ahmednagar for the offences punishable under Section.s. 306 read with 34 of the Indian Penal Code.

(ii) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)