

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

CRIMINAL APPLICATION NO. 2029 OF 2015.

SANGITA W/O BHAUSAHEB DABHADE AND ANOTHER.
VERSUS
THE STATE OF MAHARASHTRA. AND ANOTHER.

Appearance =>

Mr. Pralhad D.Bachate, Advocate for the Applicants.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 29th 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. I - 111/2015 registered with Police Station, CIDCO, Aurangabad District - Aurangabad for the offences punishable under Section.s. 306 read with 34 of the Indian Penal Code.

[2] Heard Mr.Pralhad D.Bachate, learned counsel for the Applicants and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State.

[3] Deceased is one Mahesh Gawale. First Information Report is lodged by Ramesh Bhagai Gawale (father of deceased Mahesh) on 13th March, 2015. First Information Report reveals that marriage of Mahesh was

solemnized with Sandhya on 18th April, 2010. From their wedlock, couple begotten one son. First Information Report reveals that Sandhya used to gave mental torture to Mahesh.

[4] First Information Report further proceeds that Sandhya lodged proceedings in the Court at Aurangabad and in view of the order passed by the court, Mahesh started residing separately from the first informant alongwith his wife – Sandhya in the house of one Vijay Bhandare however, there also Sandhya was giving all sorts of torture to Mahesh. Further, the F.I.R. reveals that present Applicants and one Ganesh Raut used to ask Mahesh that he should gave divorce to Sandhya and used to demand Rs. 7 Lakhs from him and on that count, he was beaten by the present Applicants. It is further stated in the First Information Report that on 7th March, 2014 at about 11.00 O'clock in the night, Mahesh was assaulted by the present Applicants, Manjulabai Gautam Gawale, Varsha Siddharth Gawale and Parwatabai Bankar and also gave dire threat to Mahesh. This fact was disclosed by Mahesh to the first informant. First Information Report further states that, that time, first informant saw marks of beating on the person of Mahesh.

[5] According to the prosecution, at the place i.e. dwelling house of Mahesh, he by means of lipstick wrote on the door that, present Applicants, his wife and Ganesh are responsible for his death. The prosecution has treated this writing as suicide note of deceased Mahesh. In the said suicide note, except the names of present Applicants, nothing is stated. Further no report was lodged against the present Applicants for the alleged threat and beating, as stated in the First Information Report. From the First Information Report it is crystally clear that dispute between Mahesh and his wife Sandhya was pending before various Courts. In that view of the matter,

custodial presence of the Applicants is not at all necessary. Hence, I pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) In the event of arrest, Applicant No.1 - SANGITA W/O BHAUSAHEB DABHADE and Applicant No.2 – BHAUSAHEB BHIKA DABHADE shall be released anticipatory bail on they executing P.R. Bond of Rs. 15,000/- [Rs. Fifteen Thousand.] each with one solvent surety in the like amount, in connection with CR No.I 111/2015 registered with Police Station, CIDCO, Aurangabad District - Aurangabad for the offences punishable under Section.s. 306 read with 34 of the Indian Penal Code.
- (iii) The Applicants shall attend the Police Station, CIDCO, Aurangabad District - Aurangabad once in a week. Preferably on every Sunday and shall remain present in the Police Station between 10.00 a.m. to 11.00 a.m, till charge-sheet is filed.
- (iv) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)