

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2836 OF 2015

Sau. Ranjana Kailas Bachhav APPLICANT

V E R S U S

The State of Maharashtra & Anr. RESPONDENTS

**WITH
CRIMINAL APPLICATION NO. 2837 OF 2015**

Kailas Tanani Bachhav & Ors. APPLICANTS

V E R S U S

The State of Maharashtra RESPONDENT

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Mr. D.S.Bagul, Advocate for Applicants.

Mr. A.S.Shinde, A.P.P. for R.No.1 – State.

Mr. D.D.Choudhari, Advocate for first informant.

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CORAM : V.M.DESHPANDE, J.

DATE : 23rd JUNE, 2015

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PER COURT :

1. Criminal Application No. 2836 of 2015 is for anticipatory bail, whereas Criminal Application No. 2837 of 2015 is for regular bail.

2. Since both these applications arise out of Crime No. 33/2015 registered with Mehunbare police station, Dist. Jalgaon for the offences punishable u/s 498-A,306,323,504,506 read with Section 34 of the Indian Penal Code, both the applications can be decided by the present common order.

3. Heard Mr. D.S.Bagul, learned counsel for the applicants, Mr. A.S.Shinde, learned A.P.P. for respondent No. 1 – State and Mr. D.D.Choudhari, learned counsel for the first informant.

4. Applicant Ranjana in Criminal Application No. 2836 of 2015 is mother-in-law of deceased Shital. Applicants Kailas, Lalit and Ankush in Criminal Application No. 2837 of 2015 are father-in-law, brother-in-law and husband of deceased Shital. Shital consumed pesticide and committed suicide on 04/05/2015. Date of marriage of deceased is four years prior to her suicide. F.I.R. is lodged by Bhagwan Pandit Mahajan, who is uncle of deceased. F.I.R. clearly shows that on 04/05/2015 itself, applicant Ankush brought Shital in a car for giving medical treatment to her. Statement of Prashant, who is owner of the said car, is also recorded by the Investigating Officer, who has stated that he was called by applicant Lalit in order to take Shital to the hospital. F.I.R. would reveal that on 04/05/2015 itself, it was well within the knowledge of Bhagwan about the unnatural death of Shital. However, for good two days, no efforts were taken by him to file F.I.R.

5. Investigating Officer has recorded statement of various witnesses. Though all the witnesses are close relatives of deceased Shital, no exception can be taken for that. However, their statements would reveal general allegations against each of the applicant that deceased was receiving the illtreatment at their hand on account of payment of Rs.2,00,000/-.

6. Applicants in Criminal Application No. 2837 of 2015 are in jail since 06/05/2015. The investigation papers shows that the entire investigation is over except receipt of the Chemical Analyser's report. The formality of filing of charge sheet is to be done by the Investigating Officer.

7. Ranjana, who is mother-in-law, is claiming anticipatory bail. Looking to the nature of the allegations made against her and looking to the fact of her womanhood, discretion can be exercised in her favour.

In view of the fact that the entire investigation is over and only formality of filing of charge sheet remain, further custodial presence of other applicants is not warranted.

8. This Court by interim order dated 10/06/2015 has already protected applicant Ranjana in Criminal Application No. 2836 of 2015. Till today there is no complaint from the prosecution or from the first informant that she has mis-used the liberty granted to her. That leads me to pass the following order :

- (i) Criminal Application No. 2836 of 2015 is hereby allowed.
- (ii) Interim order passed by this Court on 10/06/2015 in favour of applicant Sau. Ranjana Kailas Bachhav in Criminal Application No. 2836 of 2015 stands confirmed.
- (iii) Criminal Application No. 2837 of 2015 is hereby allowed.
- (iv) Applicant No. 1 Kailas Tanhaji Bachhav, applicant No. 2 Lalit Kailas Bachhav and applicant No. 3 Ankush Kailas Bachhav in Criminal Application No. 2837 of 2015 be released on bail in connection with Crime No. 33/2015 registered with Mehunbare police station, Dist. Jalgaon for the offences punishable u/s 498-A,306,323,504,506 read with Section 34 of the Indian Penal Code on they executing P.R. Bond of Rs.10,000/- [Rupees Ten Thousand] with one solvent surety of like amount by each of them.
- (v) Applicant No. 1 Kailas Tanhaji Bachhav, applicant No. 2 Lalit Kailas Bachhav and applicant No. 3 Ankush Kailas Bachhav in Criminal Application No. 2837 of 2015

shall attend Mehunbare police station once in a fortnight, preferably on every Sunday between 3.00 to 5.00 p.m. till the charge sheet is filed.

(vi) Present Criminal Applications are disposed of.

[V.M.DESHPANDE, J.]