

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

**CRIMINAL APPLICATION NO. 3104 OF 2015**

Alka w/o Sandeep Rathod & Ors.

.... **APPLICANTS**

**V E R S U S**

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. A.B.Shinde, Advocate for Applicants.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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**CORAM : V.M.DESHPANDE, J.**

**DATE : 3<sup>rd</sup> JULY, 2015**

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**PER COURT :**

1. This is an application for grant of anticipatory bail since the applicants are apprehending their arrest in connection with Crime No. 44/2015 registered with Akhada Balapur police station, Dist. Hingoli for the offences punishable u/s 306,506 (2) read with 34 of the Indian Penal Code.

2. Heard Mr. A.B.Shinde, learned counsel for the applicants and Mr. A.S.Shinde, learned A.P.P. for respondent – State.

3. F.I.R. is lodged by Atmaram Baburao Jadhav. He is husband of deceased Jaishri. Jaishri has committed suicide

by jumping into the well. According to F.I.R., applicant No. 1 lodged F.I.R. at Police Station Vimantal vide Crime No. 12/2014 for the offences punishable u/s 498-A, 406, 323, 504, 506 read with 34 of the Indian Penal Code against deceased Jaishri, the first informant, husband of applicant No. 1 and her parents-in-law. According to F.I.R., due to filing of the said F.I.R. against them, deceased was under mental tension and, therefore, she has committed suicide.

4. Applicant No. 1 may have certain reason for filing Complaint against the deceased and the others. Since the complaint was disclosing the commission of cognizable offence, therefore, the offence was registered against persons named in said F.I.R.. By no stretch of imagination, filing of F.I.R. can be termed as an instigation. In that view of the matter, applicants have made out *prima facie* case for grant of anticipatory bail.

5. Hence, Present Criminal Application is allowed. Interim order granted in favour of the present applicants on 18/06/2015 stands confirmed.

6. Present Criminal Application is disposed of.

**[V.M.DESHPANDE, J.]**