

FARAD CONTINUATION SHEET NO.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3340 OF 2015

[Raju s/o Gangaram Pawar and another Vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri R.J.Nirmal, advocate for applicants
Shri U.S.Mote, A.P.P. for respondent

.....

CORAM : V.M.DESHPANDE, J.

DATED : 10th July, 2015

PER COURT :-

1] Heard Shri R.J.Nirmal, learned counsel for applicants and Shri U.S.Mote, learned Additional Public Prosecutor for the respondent/State.

2] Leave to correct the name of the police station.

3] This is an application for anticipatory bail. The applicants are apprehending their arrest, in connection with Crime No. 42 of 2015, for the offences punishable under Sections 306, 498-A r/w 34 of the Indian Penal Code, registered with Hatta Police Station, District Hingoli.

3] The first information report is lodged by Shikur Champati Kale, who is the father of deceased Rekha.

Marriage of Rekha was performed with applicant no.1 prior to 15 years ago of the incident. Applicant no.2 is married sister of applicant no.1.

4] According to the first information report, applicant no.1 used to demand amount from the deceased for establishing a

kirana shop. It is also alleged in the first information report that, that time applicant no.2, her son and one Hanuman also used to beat the deceased. It is alleged in the first information report that due to the atrocities, previously Rekha tried to commit suicide on two occasions. It is stated in the first information report that on 3.6.2015 Ushabai wife of first informant received information that Rekha has consumed poison and she is admitted in the hospital. On 4.6.2015, the first informant reached to Parbhani Government Hospital, however, that time it was noticed by him that his daughter was already dead. It is stated in the first information report that the hospital authorities obtained his thumb impression on one paper and dead body was given to him for last rites.

5] Though it is stated in the first information report that on two earlier occasions due to atrocities on her, Rekha tried to commit suicide, the learned Additional Public Prosecutor submitted that no such complaint was filed against any of the applicants or any other person in respect of the said attempt. Thus, for the first time, first informant is claiming such event.

6] The present first information report is lodged belatedly by one day.

7] Further, the first informant is very specific that his thumb impression was obtained and thereafter dead body was handed over to him. This particular statement in the first information report is contrary to record of investigation papers, which show that the dead body was handed to applicant no.1 Raju Pawar after obtaining his signature and the dead body was handed over to him in presence of the police personnel.

8] In that view of the matter, it is clear that the first informant is ready to make any allegations against applicant no.1. Further, the marriage took place 15 years ago. Till lodging of the first information report, at no point of time any complaint was lodged against the present applicants. In that view of the matter, custodial presence of the present applicants is not warranted. That leads me to pass following order.

ORDER

- (i) Application is allowed.
- (ii) Applicants No.1-Raju Gangaram Pawar and No.2-Manglabai w/o Madhukar Pawar, in the event of their arrest, in connection with Crime No. 42 of 2015, for the offences punishable under Sections 306, 498-A r/w 34 of the Indian Penal Code, registered with Hatta Police Station, District Hingoli, be released on anticipatory bail on they each executing P.R. bond in the sum of Rs.5,000/- with one solvent surety of like amount by each of them.
- (iii) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap3340.15