

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

CRIMINAL APPLICATION NO. 3602 OF 2015.

SOU. KACHRABAI DAJI MALME.

VERSUS

THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Amol K. Gawali, Advocate for the Applicant.

Mr. D.V. Tele, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 30th July, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of anticipatory bail, since she is apprehending her arrest in connection with CR No.I 258/2014 registered with Police Station, Parner, Taluka – Parner, District - Ahmednagar for the offences punishable under Section/s. 304(B), 498(A), 323, 504, 506 read with 34 of the Indian Penal Code.

[2] Heard Mr. Amol K. Gawali, learned counsel for the Applicant and Mr. D.V. Tele, learned Additional Public Prosecutor for the State.

[3] First Information Report is lodged by Sangita Ashok Mane, mother of deceased Kajal. Marriage of Kajal was performed with co

accused Dipak, who is the son of present Applicant, on 15th June, 2012 at village Mhaske Wadi, Taluka – Parner, District Ahmednagar. According to the First Information Report dated 27th October, 2014, for first six months, Kajal was treated nicely however, subsequent thereto, she was subjected with cruelty on the count of demand of Rs.60,000/- at the hands of Dipak, his first wife and present Applicant.

[4] On 25th October, 2014 first informant received telephonic call from her son-in-law – Dipak that Kajal has consumed insecticide, due to which she is died. According to the First Information Report due to atrocities which were committed on her, Kajal has cut short her life.

[5] After hearing Mr. Amol K. Gawali, learned counsel for the Applicant and learned Additional Public Prosecutor for the State, it is clear that nature of accusations made against the present Applicant are most general in nature. Further before approaching to this court, the Applicant approached before the trial court, for grant of relief of anticipatory bail. The learned Ad hoc District Judge -3 and Additional Sessions Judge, Ahmednagar vide his order dated 26th November, 2011 passed in Criminal Application No.1331/2014 rejected the application however, due to financial constrain, she could not moved before this court, immediately, is the submission made by Mr. Amol K. Gawali, learned counsel for the Applicant.

[6] According to Mr. Amol K. Gawali, learned counsel for the Applicant, during this period, present Applicant was available at her ordinary place of residence. Mr. D.V. Tele, learned Additional Public Prosecutor was unable to point out anything from record to show that, present Applicant was not available at her ordinary place of residence. That clearly shows that, custodial presence of the Applicant was not needed by the Investigating Officer.

[7] Even otherwise, looking to the fact that, allegations made against the present Applicant are most general in nature, coupled with fact of her womanhood, I am of the view that, discretion can be exercised in favour of the present Applicant, that leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, Applicant - SOU. KACHRABAI DAJI MALME shall be released on anticipatory bail on she executing PR. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No.I 258/2014 registered with Police Station, Parner, Taluka – Parner, District - Ahmednagar for the offences punishable under Section/s. 304(B), 498(A), 323, 504, 506 read with 34 of the Indian Penal Code.

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

(V.M. DESHPANDE, J.)