

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

CRIMINAL APPLICATION NO.4480 OF 2015

Thangnabai w/o Kondiba Jumbad,
Age 70 years, Occu. Household
R/o Waghrul, Taluka Badnapur,
District Jalna
[At present in Magisterial custody
in Central Prison, Harsool,
Aurangabad]

..Applicant

Versus

The State of Maharashtra,
through Police Station,
Badnapur, District Jalna

..Respondent

Mr S.J. Salunke, Advocate for applicant
Mr S.R. Palnitkar, A.P.P. for respondent

CORAM : A.I.S CHEEMA, J.

DATE : 21st September 2015

PER COURT

1. In this application, regular bail is sought on behalf of the applicant, who is original accused No.4 in Crime No.I-132/2015 of Police Station, Badnapur where offence came to be registered under Sections 304-B, 498-A, 323, 504, 34 of Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act.

2. It is stated that the applicant is 70 years old. She is grandmother of Krushna Dnyandeo Jumbad, the husband of deceased Vaishali, who committed suicide by jumping in a well. It is stated that applicant was arrested on 27th July 2015 and she is in jail and it is her case that her police custody was not sought even for a day. As such, it is not necessary to keep her in custody. It is stated that the allegations in respect of demand and harassment are vague.

3. Learned A.P.P. submits that charge-sheet in this matter is not yet filed and investigation is still going on. According to him, the first information report reflects that there are allegations against the present applicant.

4. Upon perusal of the first information report it reveals that it has been filed against the husband - Krushna, his father Dnyandeo, his mother Mangalabai and the present applicant, who has been arrayed as accused No.4 being his grandmother. The contents in the first information report reflect that deceased Vaishali was married on 10th March 2015 and she was treated well for a period of two months. Thereafter, the accused named, asked her to bring Rs.1 lac for installation of drip irrigation system in the field and it is claimed that for such reason she was beaten up and given physical and mental ill-treatment. Further contents of the first information report disclose that the victim had told about her trouble at the place of in-laws. Going through the first information report, there is no specific instance pointed out against the present applicant indicating any specific act done by her and the averments are general in nature asserting that the accused persons made demand and that the accused persons had given the deceased mental and physical harassment.

5. Even if the investigation brings in details, the present applicant's case can be viewed from another angle. She is a woman of 70 years age and that from day one her police custody was not

required for investigation. As such, she deserves to be released on bail.

6. For above reasons, the application is allowed.

7. Applicant – Thagnabai wife of Kondiba Jumbad be released on bail on furnishing P.R. Bond and S.B. of Rs.20,000/- with one surety in the like amount, to be executed before the Judicial Magistrate, First Class, Badnapur, District Jalna, with following conditions :

(I) The applicant shall make herself available for interrogation by the Investigating Officer as and when required and shall co-operate in investigation. The applicant being a woman, she shall be called during day time only;

(II) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted about facts of the matter.

8. Criminal Application stands disposed of accordingly.

(A.I.S. CHEEMA, J.)

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