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

CRIMINAL APPLICATION NO.5005 OF 2015

Rahul s/o Anna Jadhav
and anr.

..APPLICANTS

VERSUS

The State of Mah. & anr.

..RESPONDENTS

Mr N.L. Choudhari, Advocate for applicants;
Mrs M.A. Deshpande, A.P.P. for respondents

CORAM : N.W. SAMBRE, J.

DATE : 13th October, 2015

ORAL ORDER :

The applicants herein are booked in connection with C.R. No.I-189 of 2015, registered with Soyegaon police station, Soyegaon, Dist. Aurangabad, for offences punishable under sections 498-A, 304-B read with sec. 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act, pursuant to the complaint dated 10th August, 2015 for an incident alleged to have taken place on 9th August, 2015.

2. Applicant no.1 Rahul is real brother of Anil, the husband of deceased Ujwala, whereas applicant no.2 Shobhabai is mother-in-law. Perusal of the first information report and other investigation papers reflect that the entire family of the applicants is named in the first information report, who according to the complainant, are responsible for causing death of Ujwala, who was married on 7th May, 2015 with Anil.

3. Mr N.L. Choudhari, learned Counsel appearing on behalf of the applicants, while making out a case for grant of pre-arrest bail, would urge

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that applicant no.1 Rahul was selected and appointed as a Security Guard by the Maharashtra State Security Board and was posted by an order dated 2nd February, 2015 at Reserve Bank of India, Mumbai. He has placed on record the certificate of attendance, issued by the Superintendent of Police, who is *ex officio* General Manager of the said Security Board, so as to demonstrate that applicant no.1 Rahul, at the relevant time, was posted on duty and had no occasion to involve in the commission of the crime, as alleged against him. Apart therefrom, learned Counsel would further urge that applicant no.2 Shobhabai, a woman aged 52 years, has hardly any role to play in the matter pertaining to demand of dowry. He would further urge that all the family members of the applicants are impleaded/named as accused by the complainant and falsity of the crime could be ascertained from the fact of posting and working of applicant no.1 Rahul at Mumbai.

4. Learned Addl. Public Prosecutor, while opposing the application, has taken me through the statements of father and mother of the deceased, as also the post mortem report. She would urge that evidence depicting *prima facie* involvement of the applicant in the commission of crime is available.

5. According to the learned Addl. Public Prosecutor, investigation is at preliminary stage and, therefore, the application is liable to be rejected.

6. Having bestowed my thoughtful consideration on the aspect of the matter and having perused the case diary, it is required to be noted that the complainant has named all the family members of the applicants in the crime in question.

7. So far as applicant no.1 Rahul is concerned, from the record it depicts that at the relevant time he was posted as Security Guard at Reserve Bank of India, Mumbai, as is apparent from the certificate, issued to that effect, by the Superintendent of Police. Apart from above, applicant

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no.2, a woman, is named in the complaint along with the other family members, which in my opinion, could be *prima facie* inferred as false implication of all the family members in the present case, as is apparent from the accusations against applicant no.1.

8. In view of above referred background, in my opinion, it will be appropriate to direct release of the applicants on bail, in the event of their arrest. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.I-189 of 2015, registered with Soyegaon police station, Soyegaon, Dist. Aurangabad, for offences punishable under sections 498-A, 304-B read with sec. 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicants shall attend the concerned police station initially for three days, between 10.00 a.m. and 11.00 a.m. and thereafter as and when called by the Investigating Officer.

The applicants shall keep themselves away from the jurisdiction of the concerned police station, but for compliance of this order, till filing of the charge-sheet.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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