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

CRIMINAL APPLICATION NO.6321 OF 2015

Mandabai Anil Lokhande & anr. ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr S.S. Bora, Advocate holding for Mr A.S. Barlota, Advocate for applicants;

Mr A.P. Basarkar, Addl. Public Prosecutor for respondent;

Mr A.K. Bhosale, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 18th December, 2015

ORAL ORDER :

By the present application, the applicants seek their release on bail, in the event of arrest in connection with C.R. No.I-137 of 2015, registered with police station Soyegaon, for offences punishable under sections 306, 504, 323 read with sec. 34 of the Indian Penal Code.

2. The incident is alleged to have taken place on 3rd November, 2015, for which the first information report has been lodged on 5th November, 2015.

3. Complainant Sadanand has alleged that his wife committed suicide in view of her humiliation by the applicants.

4. Perused the first information report and the investigation papers.

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5. Learned Counsel appearing on behalf of the applicants submits that the applicants being women are entitled for the protection, pursuant to proviso to section 437 of the Code of Criminal Procedure. He would then urge that *prima facie* involvement of the applicants in the crime is improbable, as the incident took place on 3rd November, 2015, for which complaint came to be registered on 5th November, 2015. There is no explanation in the first information report for the delay in lodging the same. He would then urge that the applicants being women, custodial interrogation, particularly in the background of allegations in the first information report, is of no necessity.

6. Learned Addl. Public Prosecutor appearing on behalf of the respondent, while opposing the application, would urge that sufficient evidence is available against the applicants in relation to their involvement in the crime in question. He would then urge that the dying declaration speaks of self-immolation of the victim, pursuant to her humiliation at the hands of the applicants. He, therefore, prayed that the application be rejected.

7. Having perused investigation papers, it is noticed that the offence as is registered is punishable under section 306 of the Indian Penal Code, for which there is delay of two days in lodging the first information report. Apart therefrom, having regard to the nature of allegations against the applicants, in my opinion, custodial interrogation of the applicants, particularly when

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they are women is of hardly any necessity, as there is nothing to be recovered from them.

8. For the reasons stated herein above and in view of the law laid down by the Apex Court, in the matter of **Siddharam Satlingappa Mhetre vs. State of Maharashtra & ors**, reported in **(2011) 1 SCC 694**, in my opinion, it will be appropriate to enlarge the applicants on pre-arrest bail. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.I-137 of 2015, registered with police station Soyegaon, for offences punishable under sections 306, 504, 323 read with sec. 34 of the Indian Penal Code, 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 two days i.e. on 21st and 22nd December, 2015, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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