

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 671 OF 2015

1 Prabhakar Nana Bhoir.  
2 Smt. Gulab Prabhakar Bhoir. ... Applicants.  
Versus  
The State of Maharashtra. ... Respondent.

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Mr. Rajeev Patil, Senior Counsel i/b. Mr. V.V. Purwant, advocate for Applicants.

Mr. Y.M. Nakhwa, APP for State.

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**CORAM : SMT. SADHANA S. JADHAV,J**  
**DATE : JULY 13, 2015**

**P.C.:**

1 Heard the learned Counsel for the applicants and the learned APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their arrest in Crime No. 16 of 2015 registered at Narpoli Police Station, Thane for offence punishable under Section 307, 498A, 406 read with Section 34 of the Indian Penal Code.

3 The applicants herein happen to be parents of Pramod Bhoir who got married to the complainant on 28/11/2013. On 14/1/2015 the daughter-in-law of the present applicants lodged a report at the police station alleging therein that she was harassed and ill-treated by all the members of her matrimonial family. That there was demand of Rs. 50 Lakhs for purchasing godown. On 7<sup>th</sup> May, 2014 at night her mother-in-law, father-in-law, sister-in-law and her husband had once again demanded Rs. 50 Lakhs. They were coercing her to fetch the amount from her parents. She was requesting them that they would go to her maternal house in the morning. That the accused persons had denuded her of all her ornaments. She was assaulted by fists and kick blows. They had gagged her mouth and thereafter, her husband assaulted her with stick on her legs and on other parts of her body. Her sister-in-laws have assaulted her by fists and blows and after some time, they had thrown her on the ground from the second floor. She had sustained grievous injuries and had become unconscious. She was admitted in the hospital by the applicants.

According to her, at that time also she was threatened not to inform about the incident to anybody and therefore, she had not disclosed the incident to anybody. She has sustained fracture. She was discharged from the hospital in June, 2014. She had gone to her maternal house and stayed there. She was discharged from the hospital on 19<sup>th</sup> May, 2014. Thereafter, she had to be admitted in the hospital on 3<sup>rd</sup> October, 2014 and discharged on 6<sup>th</sup> October, 2014. She had sustained multiple fractures. The doctors has opined that she has undergone multiple surgery and would need to take rest for one year for complete recovery. The doctor has also opined with every possibility that the said injury would leave her with some partial permanent deformities.

4 The learned APP submits that on the basis of the opinion given by the doctor, it can be said that the applicants had attempted to cause her death. However, the Senior Counsel for the applicants submits that although she was discharged on 6<sup>th</sup> October, 2014, for the first time she had approached the police station in the month of

January 2015. There is no plausible explanation for the inordinate delay in filing the FIR.

5      The learned APP submits that the applicants have committed an offence under Section 307, 498A of the Indian Penal Code. No doubt it can be said that they have committed offence punishable under Section 498A of IPC. However, taking into consideration that the applicants are senior citizen, the applicants deserves grant of pre-arrest bail.

6      It is made clear that the above observations are prima facie in nature. The same shall not be considered while deciding application for discharge or application for quashing of FIR or at the time of trial. The learned trial Court shall decide the matter uninfluenced by the observations made by this Court.

7      Hence, following order is passed.

**ORDER**

- (i) The application is allowed.
- (ii) In the event of arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- each and one or two sureties in the like amount.
- (iii) The applicants shall report to the concerned police station as and when called and shall cooperate with the investigating agency to the best of their capacity.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)