

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [ABA] No.89 of 2015

(Smt. Meerabai wd/o Shankarrao Tapase

vs.

The State of Maharashtra, through P.S.O. Chandrapur [City], District Chandrapur)

=====

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

=====

Court's or Judge's Orders

CORAM : PRASANNA B. VARALE, J.

DATE : MARCH 11, 2015.

Heard Mr. S.A. Chaudhari, the learned Counsel for the applicant.

The applicant apprehending her arrest in connection with Crime No.41/2015, registered at Police Station Chandrapur [City] for the offences punishable under Sections 304-B and 498-A read with Section 34 of the Indian Penal Code is before this Court.

The learned Counsel for the applicant, by inviting my attention to the order passed by this Court dated 25/02/2015, submits that the applicant was protected by this Court on the backdrop of vague allegations against the applicant in the report. The learned Counsel then submits that though not admitting but assuming the report as it is, even though the informant states about the phone call received on 08/02/2015 and rushing to the matrimonial home of the daughter on the very next date, the report is lodged at a belated stage i.e. after four days. The learned Counsel further submits that the applicant is in her advanced age and requires a constant medical check up and medical assistance. He invited my attention to the certificate placed on record issued by Dr. Amit Dangewar. The

perusal of this certificate shows that the applicant is suffering HTN with DM and requires treatment and she is dependent on anti-diabetic and anti-hypertensive medicines.

Mr. S.B. Ahirkar, the learned A.P.P. opposes the application. The learned A.P.P. submits that the investigation is in progress and the investigating agency recorded certain statement of the witnesses namely the mother, father, sister and maternal uncle of the victim.

Considering the allegations against the applicant reflected in the report of instigating the son, whereas the report says that major role is played by the son in abusing and physical and medical treatment to the victim, the applicant, who is in her advanced age, and also there is supportive material placed on record to show that the applicant is in need of medication and treatment, in my opinion, there is no need to ask for applicant's custodial interrogation. The apprehension of the State can be taken care of by imposing certain conditions.

In the result, the application is thus allowed. The ad-interim order passed by this Court dated 25/02/2015 is confirmed with a condition that the applicant to attend the Police Station Chandrapur [City} on 22nd of March, 2015 and hereinafter on every second Sunday of the month till the charge-sheet is filed.

The application is disposed of as such.

JUDGE

*sdw