

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

Criminal Application [ABA] No.643 of 2014

(Smt. Meerabai Harishchandra Amildhuke

vs.

State of Maharashtra, through PSO, Bhandara, District Bhandara)

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

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Court's or Judge's Orders

Mr. K.B. Zinjarde, Advocate for the Applicant.

Mr. P.V. Bhoyar, APP for the Non-Applicant/State.

CORAM : PRASANNA B. VARALE, J.

DATE : JANUARY 7, 2015.

Heard the learned Counsel for the applicant and the
learned A.P.P. for the State.

The applicant is before this Court seeking her
protection in the nature of pre-arrest bail in connection with
Crime No.397/2014 registered at Bhandara Police Station for
the offences punishable under Sections 498-A, 304-B and 306
read with Section 34 of the Indian Penal.

Mr. Zinjarde, the learned Counsel for the applicant
submits that the applicant was protected by an interim order
passed by this Court on 16th December, 2014. He submits that
the applicant has complied with those directions issued by this
Court in order dated 16/12/2014. The learned Counsel then
submits that in the report lodged at the instance of the father of
the deceased, the allegations are against the husband of the
deceased. There is neither any mention of the applicant nor any

role attributed to the present applicant in the F.I.R. The learned Counsel submits that the applicant, who had approached the learned Sessions Judge by filing an application for seeking protection, her application was rejected by the learned Sessions Judge on the ground that there are the statements of neighbours and the custodial interrogation of the applicant is necessary. The learned Counsel for the applicant submits that the applicant, who is in her advanced age and is engaged in household activities, will be available for assisting the investigating agency. His submission is, considering the material as it is even though not admitting the same, the material is not sufficient enough to connect the applicant with the crime and to require her custodial interrogation.

Per contra, Mr. Bhoyar, the learned A.P.P. for the State vehemently opposed the application and made available the material before the Court.

The perusal of the report lodged at the instance of the father of the deceased revolves around the allegations against the husband and a general statement that there was a demand for dowry. The perusal further shows that the information about ill-health of the daughter of the complainant/informant, admission in the hospital and about the death of the daughter is received from the husband of the deceased. The complainant submitted in the report that his son-in-law used to

be in touch and passing the information. The statement of the neighbours, which are referred to in the order of the learned Sessions Judge, reveals that these are the general statements in the nature that there was an ill-treatment caused to the victim and the dispute between the family members. The statement, which is referred to by the learned Sessions Judge of a neighbour namely Gayatrabai, refers to the quarrel and demand at the instance of the husband of the deceased. The learned Counsel for the applicant submits that the husband of the deceased i.e. son of the applicant is arrested and is behind the bars.

Considering the material, in my opinion, there is no need of custodial interrogation of the applicant. The apprehension of the State can be taken care of by imposing conditions on the applicant. The learned Counsel for the applicant has made out the case to grant pre-arrest bail to the applicant.

In the result, the application is allowed. The interim protection granted by this Court vide order dated 16/12/2014 is confirmed with the condition that the applicant to attend Bhandara Police Station on every second and fourth Sunday from 10:00 a.m. to 01:00 p.m. till the charge-sheet is filed.

JUDGE

**sdw*