

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

CRIMINAL APPLICATION NO.9 OF 2016

1. Kisan s/o Poma Chavan,
Age 65 years, Occu. Agri.,
R/o Jamdi Tanda (Ghati),
Taluka Kannad,
District Aurangabad
2. Mulibai w/o Kisan Chavan,
Age 60 years, Occu. Household,
R/o As above, at present
Flat No.3, Near E-Car Petrol Pump,
Alankar Housing Society,
Aurangabad, Dist. Aurangabad ..Applicants

Versus

1. The State of Maharashtra
Through the Police Inspector,
Kannad Police Station, Kannad,
Taluka Kannad,
District Aurangabad
2. The Superintendent of Police,
Aurangabad ..Respondents

Mr V.D. Sapkal, Advocate for applicants
Mr S.M. Ganachari, A.P.P. for respondent No.1
Mr S.D. Hiwrekar, Advocate for complainant, assisting the A.P.P.

CORAM : N.W. SAMBRE, J.

DATE : 18th January 2016

PER COURT

Heard.

2. The applicants are seeking pre-arrest bail in Crime No.I-228/2015, registered on 27th October 2015 at Kannad Police Station, District Aurangabad for offences punishable under Sections 304-B, 498-A read with sec.34 of Indian Penal Code, for the incident dated 24th April 2012 till 26th October 2015.

3. The prosecution story is that the deceased Kavita had married to Vinod and she committed suicide along with her two minor children, as the applicants along with their son Vinod were ill-treating her on the pretext of demand of dowry.

4. Learned Counsel for the applicants Mr Sapkal would urge that looking to the ages of applicants and as the main accused is already arrested, the applicants be released.

5. Learned A.P.P. who was assisted by Mr Hiwrekar, learned Counsel for the complainant, while opposing the application would urge that there is sufficient evidence on record to infer the prima facie involvement of the applicants in commission of crime, as two minor children have lost their lives in the incident in question. Learned A.P.P. would urge that the custodial interrogation of the applicants is necessary.

6. Perused the investigation papers and the statements of witnesses, who have named present applicants as accused. Looking to the nature of allegations in the F.I.R., particularly the role attributed to the applicants and having regard to the age of the applicants, it will be appropriate, in my opinion to grant pre-arrest bail to the applicants, as their custodial interrogation is no more necessary. As such, I proceed to pass the following order.

7. The applicants, in the event of their arrest in Crime No.I-228 of 2015 registered at Kannad Police Station, District Aurangabad, for the offences punishable under Section 304-B, 498-A read with sec.34 of

Indian Penal Code, be released on bail, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount, by each of them.

8. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

vvr