

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

CRIMINAL APPLICATION NO.123 OF 2016

1. Anil s/o Kishanrao Kadam,
Aged 25 years, Occu. Agriculture,
R/o Koli, Taluka Hadgaon,
District Nanded
 2. Sambhaji s/o Kishanrao Kadam,
Age 29 years, Occu. Agriculture,
R/o Koli, Taluka Hadgaon,
District Nanded,
presently residing at Sana Colony,
Nanded
 3. Kishanrao s/o Shyamrao Kadam,
Aged 55 years, Occu. Agriculture,
R/o Koli, Taluka Hadgaon,
District Nanded
- ..Applicants

Versus

- .
- The State of Maharashtra,
through the Police Station Officer,
Police Station, Bhagyanagar,
Nanded
- ..Respondent

WITH
CRIMINAL APPLICATION NO.126 OF 2016

- .
- Kantabai w/o Kishanrao Kadam,
Aged 51 years, Occu. Household
R/o Koli, Taluka Hadgaon,
District Nanded
- ..Applicant

Versus

1. The State of Maharashtra,
through the Police Station Officer,
Police Station, Bhagyanagar,
Nanded
 2. The Superintendent of Police,
Nanded
- ..Respondents

Mr S.S. Choudhari, Advocate for applicants
Mr M.B. Bharaswadkar, A.P.P. for respondents

CORAM : N.W. SAMBRE, J.

DATE : 27th January 2016

PER COURT

Heard.

2. The applicant No.1 Anil in Criminal Application No.123 of 2016 is the husband of victim Manisha, who was married to Anil on 22nd February 2015. It appears that the incident in question has occurred at the place of applicant No.2 Sambhaji, the elder brother of applicant Anil at Nanded, wherein deceased Manisha was set on fire. The applicant No.3 - Kishanrao is her father-in-law. All these applicants are seeking regular bail in Crime No.183/2015, for the offences punishable under Sections 302, 307, 498-A read with sec.34 of Indian Penal Code, registered on 3rd December 2015 at the behest of Manisha.

3. The applicant - Kantabai in Criminal Application No.126 of 2016 is mother-in-law of deceased Manisha, mother of applicants No.1 and 2 and wife of applicant No.3 in Criminal Application No.123 of 2015.

4. So far as prayer for releasing applicant Kantabai on pre-arrest bail is concerned, upon perusal of investigation papers, it depicts that no role is attributed to the said applicant and no incriminating report could be noticed in the investigation against her.

5. In view of her age and the above referred accusations, in my opinion, custodial interrogation of applicant - Kantabai is not necessary. Hence, Criminal Application No.126 of 2016 stands allowed.

6. In the event of arrest in Crime No.183/2015, for the offences punishable under Sections 302, 307, 498-A read with sec.34 of Indian Penal Code, applicant Kantabai wife of Kishanrao Kadam in Criminal Application No.126 of 2016 be released on interim bail, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

7. The applicant - Kantabai shall attend the concerned Police Station from 1st February 2016 to 4th February 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called.

8. So far as Criminal Application No.123 of 2016 is concerned, the applicant No.1 Anil and applicant No.2 Sambhaji are specifically named in the F.I.R. and also in the dying declaration recorded by the Executive Magistrate. There is prima facie case against them. In view thereof, their application stands rejected.

9. So far as the prayer for grant of regular bail by the applicant No.3 - Kishanrao in Criminal Application No.123 of 2016 is concerned, it is to be noted that his wife Kantabai is already ordered to be released on pre-arrest bail. Role attributed to applicant No.3 Kishanrao in F.I.R. and other investigation, hardly depicts any prima

facie involvement. As such, in my opinion, further detention of applicant No.3 Kishanrao is not necessary. Hence, I proceed to pass the following order.

10. Criminal Application No.123 of 2016 stands allowed to the extent of applicant No.3 - Kishanrao only. The applicant No.3 - Kishanrao Shaymrao Kadam be released on bail in Crime No.183/2015, registered at Bhagyanagar Police Station, Nanded, for the offences punishable under Sections 302, 307, 498-A read with sec.34 of Indian Penal Code, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

11. The application of applicant No.1 Anil and applicant No.2 Sambhaji stands rejected. Needless to say, they will be at liberty to move application after presentation of charge-sheet.

(N.W. SAMBRE, J.)

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