

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

CRIMINAL APPLICATION NO.969 of 2016

1. Siddheshwar s/o Digambar
Mandumle, Age 27 years,
Occu. Service
2. Digambar s/o Govind Mandumle,
Age 57 years, Occu. Agri.,
3. Sow. Dhondabai w/o Digambar
Mandumle, Age 55 years,
Occu. Household

All R/o Savargaon (Thot),
Taluka Ahmedpur, District Latur

..Applicants

Versus

- . The State of Maharashtra,
Through Police Station Officer,
Police Station, Ahmedpur,
Taluka Ahmedpur, District Latur

..Respondent

Mr H.V. Patil, Advocate for applicants
Mr S.P. Salgare, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 25th February 2016

PER COURT

Heard.

2. The applicants are seeking pre-arrest bail in Crime No.14 of 2016 registered at Ahmedpur Police Station for the offences punishable under Sections 306 and 323 read with Sec.34 of Indian Penal Code.

3. The applicant No.1 is claiming to be serving in Indian Armed Forces, whereas applicant No.2 and 3 are his father and mother. The applicant No.1 was married to Reshma, real sister of complainant Vaishali in 2013 which was a love marriage. It is claimed that deceased Reshma was subjected to cruelty and as such, she was administered poison and she expired on 3rd January 2016. Suicide by Reshma was abetted by the present applicant, as applicant No.1 has given her poison, whereas applicants No.2 and 3 have subjected her to cruelty.

4. In the above referred background, while trying to make out the case for grant of pre-arrest bail, would urge that the applicant No.1 who is serving in Indian Armed Forces, is entitled for grant of pre-arrest bail in view of his present posting at Delhi. The applicants No.2 and 3, aged persons, father and mother of applicant No.1 and looking at the allegations in the F.I.R., their custodial interrogation is not necessary.

5. Learned A.P.P. opposed the application and submits that the statements of complainant Vaishali, two brothers of deceased Reshma namely Rahul and Ganesh, father Shankar Sagar depict the fact that the deceased Reshma was subjected to cruelty at the hands of applicants. It is further required to be noted that deceased Reshma has lost her life within a period of three years from the date of her marriage and as such, the presumption under Section 113-A of the Evidence Act operates against the present applicants.

6. In this background, in my opinion, no case for grant of pre-arrest bail is made out. As such, Criminal Application stands rejected.

(N.W. SAMBRE, J.)

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