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

CRIMINAL APPLICATION NO. 1006 OF 2016

1. Prabhawati d/o Dnyandeo Kute,
Age : 32 yrs, Occ. Household,

2. Tai d/o Keshav Masolkar,
Age : 23 yrs, Occ. Household,

Both R/o Salna, Tq. Aundha (Nagnath),
Dist. Hingoli

..APPLICANTS

VERSUS

The State of Maharashtra

..RESPONDENT

Mr Sachin Panale, Advocate holding for Mr M.P. Bhaskar, Advocate for applicants;

Mr R.V. Dasalkar, Addl. Public Prosecutor for respondent

**WITH
CRIMINAL APPLICATION NO.952 OF 2016**

Sunil s/o Laxman Gunde,
Age : 20 years, Occ. Nil,
R/o Salna, Tq. Aundha,
Dist. Hingoli

..APPLICANT

VERSUS

The State of Maharashtra,
Through Investigation Officer,
Police Station, Aundha,
Dist. Hingoli

..RESPONDENT

Mr R.J. Nirmal, Advocate for applicant;

Mr R.V. Dasalkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 2nd April, 2016

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ORAL ORDER :

Heard learned Counsel appearing on behalf of the applicants and learned Addl. Public Prosecutor.

2. By these applications under section 439 of the Code of Criminal Procedure, the applicants are seeking their release on bail, in connection with C.R. No.90 of 2015, registered with Aundha (Nagnath) police station, Dist Hingoli, offences punishable under sections 354-B, 342 and 306 read with section 34 of the Indian Penal Code and under sections 8 and 12 of the Protection of Children from Sexual Offences Act.

3. The prosecution case against the applicants, in brief, is that Kum. Parvati set herself ablaze as she could not sustain defamation suffered by her because of the act of the present applicants. It is claimed that Parvati, aged about 16 years, was followed on some occasion by applicant-accused Sunil while proceeding to the school. On 22nd November, 2015, two women, i.e. applicants-accused, namely Prabhavati Kute and Tai Masolkar had called her to the house of applicant Prabhavati for filling water and helped applicant-accused Sunil in having interaction with her by committing crime under section 354-B of the Indian Penal Code.

4. It is then noted that the mother of Parvati was confronted by the accused persons on 25th November, 2015 about the above incident and falsely blamed deceased Parvati for the same. Thereafter mother of Parvati had expressed displeasure to Parvati, resulting into Parvati committing

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suicide.

5. While trying to make out a case for grant of bail, learned Counsel appearing on behalf of the applicants submit that the applicants are behind bars for more than four months. According to them, investigation in the matter is already complete and charge-sheet is also filed. If the crime as has been alleged against them is tried to be ascertained from the charge-sheet, the fact remains that the intentional involvement of the accused could be ascertained from the sections with which the applicants are charged with. Of the three applicants, two are women and another accused Sunil is aged about 20 years. It is also claimed that the un-intention to abet the crime of suicide could be ascertained from the fact that incident took place from 22nd November, 2015 and deceased Parvati committed suicide on 29th November, 2015.

6. Learned Counsel would urge that for further investigation, detention of the applicants is not necessary and there are no criminal antecedents. It is further claimed that the applicants are not likely to run away from the court process, as the charge-sheet in the matter is already filed.

7. Learned Addl. Public Prosecutor submits that the applications are liable to be rejected in view of the fact that the dying declaration of complainant Parvati speaks of direct involvement of the applicants in commission of the crime in question. He would then submit that the investigation depicts *prima facie* involvement of the applicants in the crime

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in question. Learned Addl. Public Prosecutor then would urge that in view of strong *prima facie* case against the applicants, particularly in a serious offence, the application be rejected.

8. With the assistance, I have perused the charge-sheet.

9. It is required to be noted that on 1st December, 2015, deceased Parvati has narrated the role of each of the applicants-accused in commission of the crime in question, in the dying declaration which is treated as first information report. The allegations as are reflected in the first information report do not speak of any bodily injury or harm to deceased. It is further required to be noted that perusal of the contents of the first information report, which are in the wordings of deceased Parvati, at this stage cannot take this Court to the only conclusion that the applicants-accused were having knowledge that deceased Parvati will commit suicide because of their alleged act. At least, no such knowledge of the accused could be gathered from the entire investigation papers.

10. Apart from above, the fact remains that the investigation in the matter is already complete and charge-sheet is also filed. As such, detention of the applicants is not necessary. Of the three applicants, two applicants are women, whereas the third applicant is aged about 20 years and there are no criminal antecedents.

11. In view of above, in my opinion, it will be appropriate to enlarge the applicants on bail. I, therefore, pass following order :-

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The applicants be released on bail, in connection with C.R. No.90 of 2015, registered with Aundha (Nagnath) police station, Dist Hingoli, offences punishable under sections 354-A, 342 and 306 read with section 34 of the Indian Penal Code and under sections 8 and 12 of the Protection of Children from Sexual Offences Act, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicants shall not tamper with the prosecution witnesses or the evidence.

Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

amj