

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

Criminal Application No. 1571 of 2016

District : Aurangabad

1. Abdul Ahad Gazi
s/o. Hazi Iqbal Gazi,
Age : 28 years,
Occupation : Labour.
2. Abedabai Iqbal Gazi,
Age : 61 years,
Occupation : Household.
3. Hazi Iqbal Gazi,
Age : 71 years,
Occupation : Nil.

All R/o. Almash Nagar,
Near House of
Salim contractor,
Pandharkawda Road,
District : Yavatmal.

.. Applicants.

versus

The State of Maharashtra,
Through its Police Station Officer,
Police Station, Begumpura,
Aurangabad City, Aurangabad.

.. Respondent.

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Mr. Shaikh Ashpak Taher Patel, Advocate, for the applicants.

Mr. S.Y. Mahajan, Addl. Public Prosecutor, for the respondent - State.

Ms. Fatema S. Kazi, Advocate, for the original complainant.

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CORAM : N.W. SAMBRE, J.

DATE : 16TH JUNE 2016

PER COURT :

Heard.

2. The applicants are seeking pre-arrest bail in connection with Crime No. 18/2016, registered with Begumpura Police Station, Aurangabad, for offences punishable under Sections 498A, 323, 504, 506, read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. Applicant no.1 - Abdul Ahad Gazi (husband of the complainant) is already released on regular bail. Application to the extent of applicant no.1 has become infructuous as per order dated 5th April 2016.

4. Applicant nos.2 and 3 are mother and father of applicant no.1 who was married to applicant no.1. It is the case of the prosecution that there was consistent demand by the present applicants from the complainant of dowry and the applicants were illtreating her.

5. The contents of the FIR depict that the complainant was of the view that her husband was afraid of his parents, however, she had added husband

and his parents as accused in the complaint.

6. Looking to the contents of the FIR and the fact that the applicants are senior citizens, in my opinion, custodial interrogation of the applicant nos.2 and 3 is not necessary as applicant no.1 is already released on regular bail. Hence, applicant nos. 2 and 3 deserve to be granted pre-arrest bail.

7. The application is allowed with the following directions :-

(a) In the event of arrest of applicant nos.2 and 3 - Abedabai Iqbal Gazi and Hazi Iqbal Gazi, respectively, in connection with Crime No. 18/2016, registered with Begumpura Police Station, Aurangabad, for offences punishable under Sections 498A, 323, 504, 506, read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, they are directed to be released on bail, on their furnishing P.R. Bond in the sum of Rs. 15,000/- each, with one solvent surety in the like amount by each of them.

(b) Applicant nos.2 and 3 shall attend Police Station, Begumpura, Aurangabad, on 18th and 19th June 2016, between 10.00 a.m. and 12.00 noon and thereafter as and when called by the Investigating Officer for the purpose of investigation.

(c) Applicant nos.2 and 3 shall not try to contact any of the prosecution witnesses and they shall not try to tamper with the prosecution evidence in any manner whatsoever.

8. The Application stands disposed of in the aforesaid terms.

(N.W. SAMBRE)
JUDGE

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