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

CRIMINAL APPLICATION NO. 2639 OF 2015

1. Bhagwan s/o Tukaram Bade,
2. Parmeshwar Vyankoba Bade,
3. Sarika w/o Sandeep Malve,
4. Dinesh Bhagwanrao Bade ..APPLICANTS

VERSUS

The State of Maharashtra & anr. ..RESPONDENTS

**WITH
CRIMINAL APPLICATION NO. 1577 OF 2016**

1. Gayabai w/o Bhagwanrao Bade,
2. Venkoba s/o Tukaram Bade,
3. Nagnath s/o Kashinath Bade,
4. Sharad s/o Chandrakant Takras,
5. Laxman s/o Sitram Bade,
6. Bhaskar s/o Namdeo Munde,
7. Kashibai w/o Bhaskar Munde,
8. Limbaji s/o Baburao Gitte,
9. Vaijnath s/o Eknath Bade ..APPLICANTS

VERSUS

The State of Maharashtra & anr. ..RESPONDENTS

Mr N. K. Tungar, Advocate holding for Mr J. M. Murkute, Advocate for applicants;
Ms R. P. Gaur, Addl. Public Prosecutor for respondents;

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Mr Mahesh P. Kale, Advocate to assist Addl. Public Prosecutor

WITH
CRIMINAL APPLICATION NO. 2589 OF 2015

Dr. Sandip s/o Manchakrao Malve ..APPLICANT

VERSUS

The State of Maharashtra & anr. ..RESPONDENTS

WITH
CRIMINAL APPLICATION NO. 2590 OF 2015

1. Manchakrao s/o Madhavrao Malve,
2. Sunanda w/o Manchakrao Malve,
3. Rajesh s/o Manchakrao Malve,
4. Dnyaneshwar s/o Manchakrao Malve,
5. Deepak s/o Manchakrao Malve,
6. Pradeep s/o Manchakrao Malve ..APPLICANTS

VERSUS

The State of Maharashtra & anr. ..RESPONDENTS

Mr Govind Kulkarni, Advocate holding for Mr Rajendra Deshmukh,
Advocate for applicants;
Ms R. P. Gaur, Addl. Public Prosecutor for respondents

CORAM : N.W. SAMBRE, J.

DATE : 14th June, 2016

ORAL ORDER :

Applicant no.3 Sarika in Criminal Application No.2639 of 2015 was married to Sandip Malve. The applicants in Criminal Application No.2639 of 2015 and Criminal Application No.1577 of 2016 are relatives of Sarika

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from her parental side and are impleaded as accused in C.R. No.79 of 2015, registered with police station, Gangakhed , pursuant to a complaint lodged by one Manchakrao Malve, her father-in-law, for offences punishable under sections 307, 329, 365, 342, 427, 147, 148, 149 of the Indian Penal Code.

2. So far as Criminal Applications Nos.2589 of 2015 and 2590 of 2015 are concerned, the applicants are seeking pre-arrest bail, in connection with C.R. No.80 of 2015, registered with police station, Gnagakhed, for offences punishable under sections 307, 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code, pursuant to a complaint lodged by Sarika Sandip Malve.

3. These Criminal Applications can conveniently be disposed of together as the factual matrix and relations of the parties *inter se* is not in dispute.

4. One of the accused, namely, Sarika, the applicant in Criminal Application No.2639 of 2015 was married to Sandip Malve, applicant in Criminal Application No.2589 of 2015. The differences arose between the parties and as such offence in question came to be registered upon respective complaints.

5. From perusal of the investigation papers, it depicts that maximum number of family members from each side are named as accused in the

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respective crimes by attributing certain role. The marriage of Sarika with Sandip as also differences between them, resulting into filing of the proceedings for divorce, is also not in dispute.

6. It appears that sored relationship between the parties has given rise to registration of crime in question.

7. In the above background, in my opinion, custodial interrogation of the applicants is not necessary.

8. Having regard to the nature of allegations and the arguments advanced by the respective parties, in my opinion, both the parties need to be granted protection, particularly in view of the background of relationship as was existing between them. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.79 of 2015, registered with police station, Gangakhed for offences punishable under sections 307, 329, 365, 342, 427, 147, 148, 149 of the Indian Penal Code and C.R. No.80 of 2015, registered with police station, Gnagakhed, for offences punishable under sections 307, 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

criap2639.15, etc.

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The applicants shall not tamper with the prosecution evidence.

Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

amj