

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

CRIMINAL APPLICATION NO. 2073 OF 2016

Smt. Yogita d/o Krushna Khairnar
alias Sau. Tushar Wagh

...Applicant

VERSUS

The State of Maharashtra & anr.

...Respondents

.....
Shri C.R.Deshpande, advocate for applicant
Shri M.B.Bharaswadkar, A.P.P. for respondent/State
Shri D.G.Nagode, advocate for complainant.
.....

CORAM : INDIRA K.JAIN, J.

DATED : 3rd May, 2016

ORDER :

This is an application for pre-arrest bail in Crime No. 64 of 2016, registered at Dhule Town police station, District Dhule for the offence punishable under Section 306 of the Indian Penal Code.

2] Heard learned counsel for parties. Perused case papers.

3] It is the case of prosecution that applicant was married to deceased Tushar on 2.7.2014. She was serving as staff nurse in Civil Hospital, Dhule. Tushar was serving in Accounts Department of English Medium School at Malegaon. The couple had nine months old child.

4] It is alleged that applicant was insisting her husband to leave the job and stay with her. There was dispute between the duo on booking of a flat. Before few days of incident applicant had been to her maternal house at Nashik. Tushar asked her to come back. It is alleged that parents-in-law of Tushar told him not to wait for applicant and she would never return. Being tired of illtreatment Tushar committed suicide on 15.3.2015.

5] Considering the allegations in first information report as they are, it would be difficult at this stage to come to the conclusion that applicant abetted commission of suicide by her husband. Admittedly she was at Nashik when incident took place. She is serving as staff nurse at Civil Hospital, Dhule. The custodial interrogation of applicant is not necessary. Statements of material witnesses have been recorded.

6] In the above premise, it would be appropriate to grant protection to applicant. Hence the following order.

ORDER

(i) Criminal Application No. 2073 of 2016 is allowed.

(ii) In the event of arrest of applicant in Crime No. 64 of 2016, registered at Dhule Town police station, District Dhule for the offence punishable under Section 306 of the Indian Penal Code, applicant shall be

released on bail on P.B. and S.B. of Rs.15,000/- each.

(iii) Applicant shall not tamper with prosecution evidence and shall make herself available for investigation/interrogation as and when required.

[INDIRA K.JAIN, J.]

dbm/crap2073.16