

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2272 OF 2016

Shobhabai W/o Venkati Shelke,
Age : 48 years, Occupation : Household
Residing at Khanapur Phata,
Sarang Nagar, Parbhani,
District Parbhani

.. Applicant
(Original Accused No.2)

Vs.

The State of Maharashtra,
Through the Police Station Officer,
Mondha Police Station,
Taluka Parbhani, District Parbhani .. Respondent

Mr. Hemant Surve, Advocate for the applicant
Mr. R.B. Bagul, A.P.P. for the respondent-State

CORAM : INDIRA K. JAIN, J.
DATE : 04/05/2016

ORDER :

This is an application for pre-arrest bail
in crime no. 116 of 2016 registered at New Mondha
Police Station, Dist. Parbhani for the offences
punishable under sections 313, 498-A, 323, 504 r/w.
34 of the Indian Penal Code.

2. Heard Mr. Surve, learned counsel for applicant and Mr. Bagul, learned A.P.P. for respondent/State. Perused papers of investigation.

3. Applicant is mother-in-law of first informant Rani Prabhakar Shelke. Marriage of complainant with Prabhakar son of applicant was performed before six months of FIR. It is alleged that initially for 15 days, complainant was treated well in her matrimonial house. Thereafter, her husband used to raise suspicion on her character and applicant and her son started harassing the first informant. It is further alleged that before 2-1/2 months of lodging FIR, husband of complainant in drunken condition raised quarrel with informant and gave a kick on her womb, due to which her pregnancy was terminated.

4. It can be seen from FIR that no overt act is attributed to applicant. The only allegation against her is that at the relevant time, she was

residing in the same house. Nothing is to be recovered from applicant.

5. In the above premise, this Court is inclined to protect liberty of applicant and proceed to pass following order :-

O R D E R

(i) Criminal Application No. 2272 of 2016 is allowed.

(ii) In the event of arrest of applicant in crime no. 116 of 2016 registered at New Mondha Police Station, Dist. Parbhani for the offences punishable under sections 313, 498-A, 323, 504 r/w. 34 of the Indian Penal Code, she shall be released on P.B. and S.B. of Rs.15,000/- (Rs. Fifteen Thousand) each.

(iii) Applicant shall not tamper with the prosecution evidence and shall make herself

available as and when required for
investigation/interrogation.

[INDIRA K. JAIN]
JUDGE

arp/