

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2310 OF 2016

1] Bharat S/o Subhash Nehe,
Age : 30 years, Occu. Labourer work

2] Amol S/o Subhash Nehe,
Age – 25 years, Occu – Doctor (BAMS)

All R/o Gunjalwadi,
Tal – Sangamner,
Dist. – Ahmednagar

.. Applicants

Vs.

The State of Maharashtra,
Through Police Inspector,
Police Station, Sangamner,
Tq. Sangamner, Dist.-Ahmednagar

.. Respondent

Mr. Ashok B. Nehe, Advocate h/f Mrs. Suvarna M. Zaware,
Advocate for the applicants

Mr. R.B. Bagul, A.P.P. for the respondent-State

Mr. A.G. Choudhari, Advocate for assist to APP

CORAM : INDIRA K. JAIN, J.

DATE : 04/05/2016

ORDER :

This is an application for pre-arrest bail
in crime no.I-86 of 2016 registered at Sangamner
Police Station, Tq. Sangamner, Dist. Ahmendagar for
the offences punishable under sections 498(A), 323,

504, 406, 506, 420, 306, 511 of the Indian Penal Code.

2. Heard Mr. Nehe, Advocate h/f Mrs. Zaware, learned counsel for applicants, Mr. Bagul, learned A.P.P. for respondent/State assisted by Mr. Choudhari, learned counsel for complainant. Perused papers of investigation.

3. It is the case of prosecution that complainant-Anita was married to applicant no.1-Bharat on 23/2/2015. Initially for few days, she was treated well in her matrimonial house and, thereafter, she was ill-treated on demand of gold and Rs.25,000/-. It is alleged that on 28/3/2016 at 10.00 am, she was beaten by applicant no.2, her younger brother-in-law. Applicants threatened her to life. Being tired of ill-treatment, she consumed poison and was admitted to hospital.

4. It is apparent from case papers that victim has survived. FIR makes out prima facie involvement of applicant no.1 in the commission of crime.

5. So far as applicant no.2 is concerned, it appears that he is a medical practitioner. Though victim alleged that she was assaulted by applicant no.2, learned A.P.P. fairly concedes that there is no medical certificate to substantiate the allegations of assault against applicant no.2.

6. In the above premise, this Court is inclined to grant protection to applicant no.2 but not to applicant no.1. Hence following order :-

O R D E R

(i) Criminal Application No. 2310 of 2016 is partly allowed.

(ii) In the event of arrest of applicant no.2- Amol S/o Subhash Nehe in crime no.I-86 of 2016 registered at Sangamner Police Station, Tq. Sangamner, Dist. Ahmendagar for the offences punishable under sections 498(A), 323, 504, 406, 506, 420, 306, 511 of the Indian Penal Code, he shall be released on bail on P.B. and S.B. of Rs.15,000/- (Rs. Fifteen Thousand) each.

(iii) Applicant no.2 - Amol S/o Subhash Nehe shall not tamper with the prosecution evidence and shall make himself available as and when required for investigation/interrogation.

(iv) Criminal Application filed at the behest of husband/applicant no.1-Bharat S/o Subhash Nehe stands rejected.

[INDIRA K. JAIN]
JUDGE

arp/