

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

CRIMINAL APPLICATION NO. 2319 OF 2016

Shivaji s/o Janardhan Aher
and others

...Applicants

VERSUS

The State of Maharashtra,
through the Police Inspector,
Tq. Police Station Sangamner,
District Ahmednagar

...Respondent

.....

Shri Sandeep Gorde Patil, advocate for applicants
Shri N.T.Bhagat, A.P.P. for respondent/State
Shri S.S.Dixit, advocate for complainant

.....

CORAM : INDIRA K.JAIN, J.

DATED : 2nd May, 2016

ORDER :

By this application applicants seek pre-arrest bail in Crime No. I-42 of 2015, registered at Sangamner Taluka police station, District Ahmednagar for the offences punishable under Sections 302, 201, 498-A, 504, 506 r/w 34 of the Indian Penal Code.

2] Heard Shri Sandeep Gorde Patil, learned counsel for applicants and Shri N.T.Bhagat, learned A.P.P. for State, assisted by Shri S.S.Dixit, learned counsel for complainant. Perused case papers.

3] Deceased Nanda was married to Rajendra alias Rajaram s/o Janardhan Aher, resident of Karule, Taluka Sangamner, District Ahmednagar before 12 years of incident. The couple was blessed with a son and a daughter. It is alleged that initially for one year Nanda was treated well in her matrimonial house. Thereafter her husband and other relatives started illtreating Nanda on demand of Rs. Five Lacs for purchase of a land. On 7.4.2015 Nanda was found missing from the house. On 9.4.2015 her dead body was noticed floating in the well of house of her husband. Brother of Nanda lodged report, on the basis of which above said crime came to be registered.

4] Applicant nos. 1 to 3 are real brothers of Rajendra. Applicant no.4 is wife of applicant no.2. Applicant no. 5 is mother-in-law of the deceased and applicant nos. 6 and 7 are the wives of applicant nos. 1 and 3 respectively.

5] Though in first information report it is stated that applicants were residing with deceased and her husband at the relevant time, nothing could be collected during investigation to show that they were residing together. On the contrary, applicants have placed on record copies of electricity bills, ration cards and disability certificate of applicant no.5 clearly indicating that they were residing elsewhere. In view of this prima facie involvement of applicants in alleged illtreatment to Nanda cannot be said to be well founded. Custodial interrogation of applicants is not necessary. Investigation is almost complete.

6] In the above premise, this Court finds that it is a fit case to grant protection to the applicants. Hence the following order.

ORDER

(i) Criminal Application No. 2319 of 2016 is allowed.

(ii) In the event of arrest of the applicants in Crime No. I-42 of 2015, registered at Sangamner Taluka police station, District Ahmednagar for the offences punishable under Sections 302, 201, 498-A, 504, 506 r/w 34 of the Indian Penal Code applicants shall be released on bail on P.B. and S.B. of Rs.25,000/- each.

(iii) Applicants shall not tamper with prosecution evidence and shall make themselves available as and when required.

[INDIRA K.JAIN, J.]

dbm/crap2319.16