

(1)

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

CRIMINAL APPLICATION NO.2513 OF 2016

Anuradha d/o Vithalsingh Thakur
(Chavan)

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr M.V. Ghatge, Advocate for applicant;
Ms R.P. Gaur, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 24th June, 2016

ORAL ORDER :

The applicant, the wife of deceased Deepak, is seeking pre-arrest bail in connection with C.R.No.81 of 2016, registered with Bhagyanagar police station, District Nanded, for offences punishable under sections 306, 504 read with section 34 of the Indian Penal Code, for an incident alleged to have taken place on 24th March, 2016, for which the offence came to be registered on 3rd April, 2016.

2. The complainant, father of deceased Deepak, alleged that the present applicant, without giving divorce to her first husband, entered into wedlock with deceased Deepak and has created such circumstances in their married life, which prompted him to take extreme step of committing suicide.

(2)

3. While trying to make out a case for grant of pre-arrest bail, Mr Ghatge, learned Counsel appearing on behalf of the applicant submits that looking to the nature of allegations in the first information report, it could easily be inferred that the complainant/parents of deceased Deepak were not happy with relationship of the present applicant with Deepak. It is also brought to my notice that an issue was born out of the wedlock of the applicant and deceased Deepak and were residing separately from the complainant. According to him, looking to the allegations in the first information report, particularly the history as narrated, false implication of the applicant in the crime in question cannot be ruled out. The custodial interrogation of the applicant is not warranted.

4. Learned Addl. Public Prosecutor, relying upon the contents of the first information report, would urge that the applicant is the sole person who is responsible and answerable for the death of deceased Deepak, as according to her, the applicant was very much present in the house when Deepak committed suicide by hanging. So as to substantiate her contention, learned Addl. Public Prosecutor would invite my attention to the statement of Watchman of the society/flat scheme in which they were residing. Learned Addl. Public Prosecutor, as such, submits that custodial interrogation of the applicant is very much warranted.

5. Having considered rival submissions and upon perusal of the investigation papers it is disclosed that the first information report speaks of differences between the complainant Ganpat on one side and his son Deepak and present applicant – his wife, on the other side. It is the case

(3)

of the complainant that the applicant never used to permit Deepak to visit his parent's place or stay with them. It is also narrated that the applicant played fraud on Deepak and made him to purchase the property in her name.

6. From the allegations as are narrated in the first information report it depicts that there were differences between the complainant and the applicant *qua* the relationship with deceased Deepak. Apart therefrom, the fact remains that the applicant who is married wife of deceased Deepak is blessed with an issue from him.

7. In the above background, in my opinion, custodial interrogation of the applicant is not warranted. Thus, the application succeeds. I, therefore, pass following order :-

In the event of arrest of the applicant, in connection with C.R.No.81 of 2016, registered with Bhagyanagar police station, District Nanded, for offences punishable under sections 306, 504 read with section 34 of the Indian Penal Code, she be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall attend the concerned police station on 7th and 8th July, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

(N.W. SAMBRE, J.)

amj