

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

CRIMINAL APPLICATION NO. 3264 OF 2016

Bansidhar s/o Bandoba Sathe,
R/o. Gururwar Peth, Ambajogai,
Tq. Ambajogai, Dist. Beed.

...Applicant

versus

The State of Maharashtra
Through Police Station
Ambajogai (City), Tq. Ambajogai,
Dist. Beed.

...Respondent

WITH

CRIMINAL APPLICATION NO. 3262 OF 2016

1. Pravin s/o Bansidhar Sathe,
2. Kusum w/o Bansidhar Sathe,

Both R/o. Gururwar Peth,
Ambajogai, Tq. Ambajogai,
District Beed.

...Applicants

versus

The State of Maharashtra
Through Police Station
Ambajogai (City), Tq. Ambajogai,
Dist. Beed.

...Respondent

.....

Mr. S.A. Ambad, Advocate for applicants
Mr. C.V. Dharurkar, A.P.P. for respondent/State

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CORAM : N.W. SAMBRE, J.

DATE : 29th JUNE, 2016

ORAL ORDER :

In Criminal Application No. 3264 of 2016 the applicant,

father in law of complainant Tejashri is seeking pre-arrest bail in Crime No.252 of 2016 registered with Ambajogai (City) Police Station, Taluka Ambajogai, District Beed, for an offence punishable under Sections 307, 498(A), 323, 201, 504 read with Section 34 of the Indian Penal Code.

2. In Criminal Application No. 3262 of 2016 applicant No.1 Pravin, is brother in law and applicant No.2 Kusum is mother in law of the complainant Tejashri.

3. Both the applicants Pravin and Kusum were arrested on 25/05/2016.

4. Prosecution case against the present applicants is that the complainant Tejashri was married to son of applicants namely Prashant and was blessed with a son. There was demand of dowry, which was not fulfilled and as such, she was subjected to cruelty. All the applicants have made conspiracy to kill Tejashri and Bansidhar instigated other accused persons to murder her. So far as applicants Kusum and Pravin are concerned, it is alleged that both of them have aided main accused Prashant in trying to hang Tejashri with the help of saree. As such, crime in question came to be registered.

5. While trying to make out case for grant of bail, learned Counsel for the applicants submits that applicant Bansidhar is entitled to be released on pre-arrest bail, looking to his age and allegations made therein. He would submit that there is no active participation as alleged in the crime in question but for the investigation against accused Bansidhar.

6. So far as accused Pravin and Kusum are concerned, they were already arrested on 25/05/2016 and were subjected to custodial interrogation. Nothing incriminating is recovered or noticed as against them in the investigation. Kusum, mother in law of complainant is more than 80 years and there are no criminal antecedents of the applicants.

7. Learned Counsel for the applicants would submit that perusal of first information report would depict improbable story as is narrated for implicating all the family members of the applicants.

8. Learned A.P.P. opposed the application, by relying upon the statement of son of victim Tejashri, recorded under Section 164 of the Code of Criminal Procedure and statement of other witnesses. According to him, there is sufficient evidence to depict *prima facie* involvement of the applicants in the crime in question.

9. Having perused the investigation papers, it is required to be noted that medico legal certificate does not confirm with that of attributions in the first information report. Apart from above, the statement of son of Tejashri namely Yashraj also does not prove the line of allegations as are made in the first information report.

10. The applicants in Criminal Application No. 3262 of 2016 were already subjected to custodial interrogation. As such, in my opinion, both the applications need to be allowed. Hence, the following order :-

(i) In the event of arrest, applicant Bansidhar s/o Bandoba Sathe in Criminal Application No. 3264 of 2016, be released on bail, in connection with Crime No.252 of 2016 registered with Ambajogai (City) Police Station, Taluka Ambajogai, District Beed, for an offence punishable under Sections 307, 498(A), 323, 201, 504 read with Section 34 of the Indian Penal Code, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.

(ii) The applicant Bansidhar s/o Bandoba Sathe shall attend the concerned police station on 3rd and 4th July, 2016 between 10-00 a.m. to 12-00 noon and thereafter as and when called by the

Investigating Officer.

(iii) The applicants in Criminal Application No. 3262 of 2016 be released on bail in connection with Crime No.252 of 2016 registered with Ambajogai (City) Police Station, Taluka Ambajogai, District Beed, for an offence punishable under Sections 307, 498(A), 323, 201, 504 read with Section 34 of the Indian Penal Code, by each of them.

(iv) The applicants shall not tamper with the prosecution evidence or influence the witnesses.

11. Both the criminal applications stand allowed in above terms.

[N.W. SAMBRE, J.]

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