

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

CRIMINAL APPLICATION NO. 2955 OF 2016

1. Santosh s/o Ashok Suse,
2. Sanjay s/o Ashok Suse,
3. Kalabai w/o Ashok Suse,
4. Kalpana w/o Sanjay Suse,
5. Renuka w/o Santosh Suse,

All r/o Power Loom Society,
MIDC Area, Chikalthana,
Aurangabad. .

...Applicants

versus

The State of Maharashtra
through MIDC, CIDCO Police
Station, Aurangabad.

...Respondent

WITH

**CRIMINAL APPLICATION NO. 3349 OF 2016
IN
CRIMINAL APPLICATION NO. 2955 OF 2016**

Geetaram s/o Kisan Ghating,
R/o. Village Varegaon, Tq. Phulambri,
Dist. Aurangabad. .

...Applicant

versus

Santosh s/o Ashok Suse & ors.

...Respondent

.....
Mr. N.S. Ghanekar, Advocate for applicants
Mr. C.V. Dharurkar, A.P.P. for respondent/State
Ms. Varsha S. Ghanekar, Advocate to assist A.P.P.
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CORAM : N.W. SAMBRE, J.

DATE : 23rd JUNE, 2016

ORAL ORDER :

For the reasons stated in Criminal Application No.3349 of 2016 seeking permission to assist the prosecution, same stands allowed.

2. The applicants are seeking pre-arrest bail in Crime No.171 of 2016 registered with M.I.D.C. Police Station, CIDCO Police Station, District Aurangabad, for an offence punishable under Sections 498-A, 306, 323, 504, 506 read with Section 34 of the Indian Penal Code, for the incident dated 17/05/2016.

3. Applicant Nos. 1 and 2 are real brothers, whereas applicant No. 3 is their mother, applicant Nos. 4 and 5 are wives of applicant Nos. 2 and 1 respectively. The husband of deceased Surekha namely Satish is already arrested in crime in question.

4. Mr. Ghanekar, learned Counsel for the applicants invites attention of this Court to the fact that all the family members of the applicants are impleaded as an accused. He would then submit that the husband of deceased Surekha namely Satish is already in the custody of the police and custodial interrogation of the applicants is

not necessary.

5. Learned A.P.P. opposed the application on the ground that independent injuries are noticed during post mortem on the dead body of Surekha and as such, custodial interrogation is necessary.

6. In my opinion, the applicants deserve to be released on bail for the reason that all the family members are impleaded as an accused. The main accused-husband is already in the custody of police. There is hardly any material on record to connect the applicants to the crime in question. Hence, the following order:-

(i) In the event of arrest, the applicants be released on bail, in connection with Crime No.171 of 2016 registered with M.I.D.C. Police Station, CIDCO Police Station, District Aurangabad, for an offence punishable under Sections 498-A, 306, 323, 504, 506 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, by each of them.

(ii) The applicants shall attend the concerned police station on 29th and 30th June 2016 between 10-00 a.m. to 12-00 noon and thereafter as and when called by the Investigating Officer.

(iii) The applicants shall not tamper with the prosecution evidence.

7. Criminal Application No. 2955 of 2016 stands allowed in above terms.

[N.W. SAMBRE, J.]

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