

(1)

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

CRIMINAL APPLICATION NO.3646 OF 2016

Vijay Ramrao Powle,
Age : 30 years, Occ. Agri.
R/o Vasarni, Tq. & Dist. Nanded ..APPLICANT

VERSUS

The State of Maharashtra
Through Police Inspector,
Nanded Rural Police Station,
Tq. & Dist. Nanded ..RESPONDENT

Mr Santosh C. Bhosle, Advocate for applicant;
Mr S.J. Salgare, Addl. Public Prosecutor for respondent

**WITH
CRIMINAL APPLICATION NO.3647 OF 2016**

1. Priti w/o Baliram Kandhare,
Age : 24 years, Occ-Private teacher,
R/o CIDCO, Tq. & Dist. Nanded
2. Ashokrao s/o Kishanrao Mukkawar,
Age : 54 years, Occ. Labour,
R/o Balirampur, Nanded,
Tq. & Dist. Nanded
3. Shobhabai w/o Ashokrao Mukkawar,
Age : 54 years, Occ. Labour,
R/o Balirampur, Nanded,
Tq. & Dist. Nanded ..APPLICANTS

VERSUS

The State of Maharashtra
Through Police Inspector,
Nanded Rural Police Station,
Tq. & Dist. Nanded ..RESPONDENT

Mr S.Y. Patil, Advocate for applicants;
Mr S.J. Salgare, Addl. Public Prosecutor for respondent

(2)

CORAM : N.W. SAMBRE, J.

DATE : 1st August, 2016

ORAL ORDER :

Heard.

2. By these applications under section 438 of the Code of Criminal Procedure, the applicants seek their release on pre-arrest bail, in connection with C.R. No.166 of 2016, registered with Nanded Rural Police Station, Nanded, for offence punishable under section 306 read with section 34 of the Indian Penal Code.

3. Though Applicant Vijay Ramrao Powle in Criminal Application No.3646 of 2016 was married, from the investigation it depicts that he has established illicit relations with applicant no.1 Priti in Criminal Application No.3647 of 2016, as is apparent from the contents of the first information report. Applicant Priti was married to deceased Baliram.

4. As both the applicants, i.e. Vijay and Priti had continued their illicit relationship, the same has prompted Baliram to commit suicide as the said act defamed him in the society.

5. The investigation papers and earlier complaint for offence punishable under section 498-A of the Indian Penal Code, at the behest of wife of Vijay, speaks a volume about his conduct.

6. It is also required to be noted that the first information report depicts that though applicant Priti was caught red-handed with Vijay, she continued illicit relationship.

(3)

7. In view of above, application of Vijay Ramrao Powle and applicant no.1 Priti w/o Baliram Kandhare stand rejected.

8. So far as applicants no.2 and 3, namely, Ashokrao s/o Kishanrao Mukkawar and Shobhabai w/o Ashokrao Mukkawar in Criminal Application No.3647 of 2016 are concerned, they appear to be parents of applicant no.1 Priti and there is no iota of evidence against them depicting their involvement in the crime in question. I, therefore, pass following order :-

Criminal Application of Vijay Ramrao Powle and applicant no.1 Priti w/o Baliram Kandhare stand rejected.

In the event of arrest of the applicants, no.2 and 3, namely, Ashokrao s/o Kishanrao Mukkawar and Shobhabai w/o Ashokrao Mukkawar in Criminal Application No.3647 of 2016, in connection with C.R. No.166 of 2016, registered with Nanded Rural Police Station, Nanded, for offence punishable under section 306 read with section 34 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

Applicants no.2 and 3, namely, Ashokrao s/o Kishanrao Mukkawar and Shobhabai w/o Ashokrao Mukkawar in Criminal Application No.3647 of 2016, shall attend the concerned police station initially on 13th August, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

Criminal Applications stand disposed of in above terms.

(N.W. SAMBRE, J.)

amj