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

CRIMINAL APPLICATION NO.3856 OF 2016

1. Seema D/o Bhagwan Raut @
Seema w/o Sanjay Wakhare,
2. Baynabai w/o Bhagwan Raut ..APPLICANTS

VERSUS

The State of Maharashtra & anr. ..RESPONDENTS

Mr S.J. Salunke, Advocate for applicants;
Mr A.S. Shinde, Addl. Public Prosecutor for respondents

CORAM : N.W. SAMBRE, J.

DATE : 28th July, 2016

ORAL ORDER :

By this application under section 438 of the Code of Criminal Procedure, the applicants seek pre-arrest bail, in connection with C.R. No.123 of 2016, registered with Police Station, Majalgaon (Rural), District Beed, for offence punishable under section 302 read with section 34 of the Indian Penal Code.

2. Applicant no.1 Seema is the daughter of applicant no.2 Baynabai, who is aged about 60 years. The son and husband of Baynabai, namely, Santosh and Bhagwan are already arrested.

3. The prosecution story as alleged in the first information report is that applicant no.1 Seema was having illicit relations with deceased Vaijnath. Applicant no.1 Seema and Vaijnath had eloped and when they returned back, accused persons, namely, Santosh and Bhagwan assaulted Vaijnath, resulting into his death.

4. There is one more angle to the present case, that applicant no.1 Seema is the daughter of the maternal uncle of deceased Vaijnath. The

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father of Vaijnath and applicant no.2 Baynabai are the real brother and sister.

5. Upon perusal of the investigation papers, it is noted that when accused Bhagwan and Santosh assaulted deceased Vaijnath, they also assaulted applicant no.1, who was required to take treatment, as is apparent from the statements of eye-witnesses, namely, Vachistha Ashruba Bhosle and Bapurao Gopinath Khandagale. There is also medical report from the Government Hospital depicting that applicant no.1 Seema has sustained injuries.

6. Apart from above, upon perusal of the investigation papers and the first information report, it appears that no role is attributed to the applicants in the crime in question.

7. In view thereof, the applicants are entitled to be released on pre-arrest bail. I, therefore, pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.123 of 2016, registered with Police Station, Majalgaon (Rural), District Beed, for offence punishable under section 302 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.

The applicants shall attend the concerned police station, initially on 5th and 6th August, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj