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

**CRIMINAL APPLICATION NO.4112 OF 2015
WITH
CRIMINAL APPLICATION NO.4113 OF 2015**

Dnyandeo Murlidhar Arle

..APPLICANT

VERSUS

The State of Mah. & anr.

..RESPONDENTS

Mr R.K. Temkar, Advocate for applicant;
Mr K.D. Munde, Addl. Public Prosecutor for respondent no.1;
Mr H.D. Deshmukh, Advocate for respondents no.2 & 2 to 4 in both
applications

CORAM : N.W. SAMBRE, J.

DATE : 8th January, 2016

ORDER :

Heard.

2. Learned Additional Sessions Judge, Newasa has granted pre-arrest bail to the father-in-law, by an order dated 6th June, 2015, passed in Criminal Bail Application No.109 of 2015, which is challenged by the applicant-complainant in Criminal Application No.4112 of 2015, whereas the order dated 16th June, 2015, passed in Criminal Bail Application No.110 of 2015, granting regular bail to the husband, brother of the husband and mother-in-law of the victim, is challenged in Criminal Application No.4113 of 2015.

3. According to the learned Counsel appearing on behalf of the applicant, presumption under section 113-A of the Evidence Act is

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overlooked in both the matters, as the death of the victim was within seven years from the date of marriage.

4. Learned Addl. Public Prosecutor assisted the Court while hearing of the matter, whereas the learned Counsel appearing on behalf of the other respondents - accused supported the order of grant of bail, as according to him, presumption under section 113-A of the Evidence Act is rebuttable.

5. Perused the orders impugned herein.

6. It appears that the Court, having regard to the fact that there was no specific attribution against the father-in-law of the victim, has proceeded to grant pre-arrest bail, whereas upon arrest and the investigation of the matter, was pleased to grant regular bail to rest of the accused.

7. In my opinion, since the orders of grant of bail are based on the investigation papers as were placed on record, no interference is called for under section 439 (2) of the Code of Criminal Procedure. In the result, both the applications fail and stand rejected.

(N.W. SAMBRE, J.)

amj