

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4284 OF 2016

- 1] Shri Sunil S/o Kisan Shenge,
Age : 38 Years, Occu. : Agril.,
- 2] Smt. Kamalabai W/o Kisan Shenge,
Age : 74 Years, Occu. : Nil.,

Both R/o. : Arvi, Tq. & Dist. Dhule.

... APPLICANTS

VERSUS

The State of Maharashtra,
Through Police Station, Dhule Taluka,
Tq. & Dist. Dhule.

... RESPONDENT

. . .
Advocate for Applicants : Mr. Shivraj B. Kadu
APP for Respondent/State : Mr. S.D. Ghayal
. . .

CORAM : A. M. BADAR, J.

DATE : 29th AUGUST, 2016.

PER COURT :

- 1] Heard. Issue notice to the Superintendent of Police, Dhule and the learned Public Prosecutor. Learned A.P.P. waives service of notice.
- 2] Applicants / accused in crime No. 203/2016 registered with Dhule Taluka Police Station, Dist. Dhule, for offences 302, 307, 109, 201 r/w 34 of I.P.C., at the instance of informant Priti Sadashiv Shenge, by this application are praying for pre-arrest bail.
- 3] Heard the learned counsel for applicants as well as

learned APP. The learned APP opposed the application by contending that, both applicants have knowingly destroyed the evidence of the offence punishable under Section 302 of IPC and therefore pre- arrest bail should not be granted.

4] Perused the F.I.R. lodged by Priti. She averred that in the night of the incident, her father Sadashiv Shenge had committed murder of her mother Surekha by assaulting Surekha by means of stick. So far as present applicants / accused are concerned, according to the informant, applicant No.2 Kamalabai-her grandmother did not rescue her mother Surekha when her father was assaulting Surekha. In the F.I.R. it is further averred that, after death of Surekha, accused Sadashiv Shenge called applicant No.1 Sunil. Applicant no.1 Sunil saw Surekha and told accused Sadashiv that Surekha is dead.

5] The learned APP submits that, subsequently, informant Priti gave supplementary statement disclosing that both applicants wiped the blood from household articles.

6] Considering the nature of averments made against present applicants, their custodial interrogation is not at all warranted and their liberty needs to be protected. Hence the following order:-

- i) The application is allowed.
- ii) The interim order dated 8th August, 2016, granting ad-interim anticipatory bail to applicants, is confirmed on the same terms and conditions.
- iii) As a condition of this Order, the applicants shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.
- iv) The applicants shall not tamper with the prosecution evidence.
- v) The applicants to attend concerned police station on 4th September, 2016 in between 11:00 a.m. to 01:00 p. m. and they shall cooperate the Investigating Officer in investigation of the crime in question till filing of the charge-sheet.
- vi) The applicants shall not repeat commission of similar type of offence in future.
- vii) The application stands disposed of in the aforesaid terms.

[A. M. BADAR]
JUDGE