

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

CRIMINAL APPLICATION NO. 4695 OF 2016

Sau. Anuradha Bhaskar Jorvekar .. Applicant

Versus

The State of Maharashtra & Anr. .. Respondents

Mr.S.K. Shaikh & Mr. A.N. Walujkar, Advocate for the applicant.

Mr.S.D. Ghayal, APP for respondent/State.

CORAM : A.M. BADAR, J.

DATED : 05.10.2016

P.C. :-

1. This is an application by informant - Anuradha Jorvekar challenging grant of anticipatory bail to respondent No.2/accused, by the learned Additional Sessions Judge, Newasa vide order dated 28.07.2016 in Cri. Misc. Application No.123 of 2016.

2. Heard learned Counsel appearing for the applicant/informant. He argued that initially an offence punishable under section 306 was registered, but subsequently section 302 of the Indian Penal Code is added to the case diary of the crime and therefore learned Sessions Judge was not justified in granting anticipatory bail to respondent No.2-Ramchandra Khandale.

3. I have also heard learned A.P.P. appearing for respondent No.1.

4. Perused the record made available. On 07.06.2016 the petitioner/informant Anuradha lodged report to Newasa Police Station alleging that her daughter Sharda set herself ablaze and died because of burn injuries on 04.06.2016. After two days, this F.I.R. alleging suicide was filed by the petitioner/informant-Anuradha. It is seen that respondent No.2-Ramchandra, who is father-in-law of deceased Sharda approached this Court for anticipatory bail vide Criminal Application No. 3801 of 2016. This Court on 11.07.2016 after considering the private criminal complaint filed by petitioner / informant - Anuradha on 27.06.2016 before learned J.M.F.C., found it fit to grant ad-interim anticipatory bail to respondent No.2 and ultimately said order was confirmed on 22.07.2016. It is thus clear that this Court was not oblivious to the fact that there was private criminal complaint at the instance of the petitioner/informant alleging murder of her daughter Sharda by respondent No.2-Ramchandra, still he was granted anticipatory bail in Crime No. I-153 of 2016 for the offence punishable under section 306 of the Indian Penal Code. Subsequently, it is seen that the learned J.M.F.C. ordered investigation under section 156(3) of

the Cr.P.C. and that is how section 302 of the Indian Penal Code was added to the case diary of the crime in question. Keeping in mind the fact and being well aware about the private criminal complaint by the petitioner with allegations therein regarding murder, this Court had granted pre-arrest bail to respondent No.2-Ramchandra. Learned Additional Sessions Judge by order dated 28.07.2016 was pleased to grant pre-arrest bail to respondent No.2-Ramchandra in the wake of addition of section 302 of the Indian Penal Code in case diary of the crime in question. As said order is perfectly in tune with order passed by this Court in earlier application moved by respondent No.2, the impugned order needs no interference. Hence, the application is devoid of merit and same is rejected.

[A.M. BADAR, J.]