

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

908 CRIMINAL APPLICATION NO. 5056 OF 2016

**CHOTIBAI @ LATABAI KAILASH PARDHI
& ANR.**

VERSUS

THE STATE OF MAHARASHTRA

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Mr. V.A.Bagdiya, Advocate for Applicants.

Mr. S.J.Salgare, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 22nd SEPTEMBER, 2016

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PER COURT :

1. The applicants/accused in Crime No. 193/2016 registered at Shirpur (City) police station, Dhule, Dist. Dhule for the offences punishable U/ss 306,498-A,323,504,506 read with 34 of the Indian Penal Code, by this application are seeking pre-arrest bail.

2. Heard learned counsel for the applicant. He argued that the F.I.R. itself reflects that present applicants were not residing with the deceased.

3. Learned A.P.P. opposed the application by arguing that the F.I.R. lodged by the mother of the deceased as well as statement of parental relatives of the deceased as well as statement of parental relatives of the deceased shows that present applicants were subjecting the deceased to cruelty on account of demand of Rs. 30,000/- for construction of house and by suspecting her character. The deceased has, therefore, committed suicide.

4. Perused F.I.R. as well as papers of investigation. Mangalabai married co-accused Gangaram 17 years prior to the incident. Applicant Chhotibai is sister of Gangaram whereas applicant Hitesh is his nephew. The F.I.R. as well as statements of witnesses recorded by the Investigating Officer shows that present applicants were residing in the neighbourhood of Gangaram and Mangalabai [since deceased]. Gangaram and Mangalabai are having 2 children by name Deepak and Deepali, who were other inmates of the house.

5. When present applicants were not residing in the house of the deceased, *prima facie*, it appears that they were not having any reason to subject the deceased to cruelty on account of demand of Rs. 30,000/- for construction of house. The allegations regarding suspecting character of the deceased are too vague. No details for such allegations are reflected from the F.I.R. as well as statements of other witnesses.

6. Statements of residents of the village of Mangalabai are in no way incriminating present applicants in the crime in question. Though the crime is registered on 14/07/2016, the statements of Deepak and Dipali, who were other inmates of the house are not recorded. In this view of the matter, custodial interrogation of present applicants is not warranted. Hence, the following order.

(i) The application is allowed.

(ii) In the event of his arrest in Crime No. 193/2016 registered at Shirpur (City) police station, Dhule, Dist. Dhule for the offences punishable U/ss 306,498-A,323,504,506 read with 34 of the Indian Penal Code, applicant No. 1 Chotibai @ Latabai Kailash Pardhi and applicant No. 2 Hitesh Kailash Pardhi be released on bail on executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] each and on furnishing surety in the like amount.

(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 the evidence of the prosecution.

(v) The applicants shall attend the concerned police

station on 01/10/2016 and 09/10/2016 in between 11.00 a.m. and 1.00 p.m. and they should co-operate the Investigating Officer in the investigation of crime in question.

[A.M.BADAR, J.]

KNP/Cr.Apln. 5056.2016