

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

CRIMINAL APPLICATION NO. 5141 OF 2015

Dyandeo s/o Abaji Bansode

... Applicant

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr A. R. Borulkar, Advocate for applicant
Mr A. S. Shinde, APP for respondent/State
.....

CORAM : **N. W. SAMBRE, J.**

DATE : **8TH JANUARY, 2016.**

PER COURT:

. The non-applicants No. 2 and 3 were granted pre-arrest bail by the learned Additional Sessions Judge, Aurangabad on 8th September, 2015 in Crime No. 153 of 2015, registered for the offences punishable under Sections 304-B, 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

2. The grant of pre-arrest bail is assailed in the present application on two grounds (a) that, during the pendency of the application the non-applicants have threatened the applicant/complainant as they were

owning ancestral property (b) secondly, in view of the death within the period of two and half years from the date of marriage, the presumption is against the non-applicants.

3. Shri. Salunke, the learned counsel for accused supports the order of grant of bail and would urge that, it is pursuant to provisions of Section 437 of Cr.P.C. i.e. looking at the age of the non-applicants and the availability of material against them the Court below has granted pre-arrest bail on merits. He would then urge that, the allegation against the non-applicants of threat are far away from the truth and as such prayed for rejection of the application.

4. The Id. APP submits that, the court, in the facts and circumstances of the present case, may pass an appropriate order.

5. Upon perusal of the FIR and order granting bail to non-applicants, it is to be noted that the age of the applicants is above 60 years. Apart from the above, there is hardly any material on record to connect the non-applicants to the crime in question particularly when everything was investigated after the husband of Laxmibai namely; Digambar was already arrested and interrogated.

6. In view of the above, in my opinion, the claim that, during the pendency of the application the complaint was filed on 7th September, 2015, the fact remains that after the same was not investigated, the applicant has not taken any steps for pursuing the same before the trial Court. As such, in my opinion, no interference is called for. Application fails and same stands rejected.

[N. W. SAMBRE]
JUDGE

sgp