

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

**CRIMINAL APPLICATION NO. 5606 OF 2015
IN
CRIMINAL APPLICATION NO. 5283 OF 2015**

Dropadi w/o Dnyaneshwar Bhombe,
Age: 29 years, Occ: Household,
R/o. Mathala, Tq. Jintur,
Dist. Parbhani.

...Applicant

versus

Rukhaminibai w/o Kishanrao Bhombe,
Age: 56 years, Occ: Agri. & Household,
R/o. Mathala, Tq. Jintur,
District Parbhani & ors.

...Respondents

**WITH
CRIMINAL APPLICATION NO. 5382 OF 2015
IN
CRIMINAL APPLICATION NO. 5283 OF 2015**

Ganesh s/o Laxmanrao Khapre,
Age: 45 years, Occ: Agri.,
R/o. Ridaj, Tq. Jintoor, Dist.Parbhani.

...Applicant

versus

The State of Maharashtra & ors

...Respondents

**WITH
CRIMINAL APPLICATION NO. 5283 OF 2015**

1. Rukhminibai w/o Kishanrao Bhombe,
Age: 56 years, Occ: Agri.
R/o. Mathla, Tq. Jintoor,
Dist. Parbhani.
2. Dnyaneshwar s/o Kishanrao Bhombe,
Age: 37 years, Occ: Agri.,
R/o. Mathla, Tq. Jintoor,
Dist. Parbhani.
3. Dattarao s/o Kishanrao Bhombe,
Age: 30 years, Occ: Agri.,
R/o. Mathla, Tq. Jintoor, Dist.Parbhani.

...Applicants

versus

The State of Maharashtra,
Through Jintoor Police Station,
Tq., Jintoor Dist. Parbhani.

...Respondents

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Mr. S.K. Chavan, Advocate for applicants in Criminal Application
Nos. 5283 of 2015 and for respondent Nos. 1 to 3 in Criminal
Application No. 5606 of 2015
Mr. A.R. Vyawahare, Advocate for applicant in Criminal
Application No. 5606 of 2015
Mr. M.B. Bharaswadkar, A.P.P. for respondent/State
Mr. P.N. Kalani, Advocate to assist A.P.P.

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CORAM : N.W. SAMBRE, J.

DATE : 18th JANUARY, 2016

ORAL ORDER :

For the reasons stated in the application, Criminal
Application No. 5606 of 2015 for intervention is allowed.

2. For the reasons stated in the application, Criminal
Application No. 5382 of 2015 to assist A.P.P. stands allowed.

3. The applicants are seeking pre-arrest bail in Crime
No.164 of 2015 registered with Jintur Police Station, District
Parbhani, for the offence punishable under Sections 498-A, 302, 201
read with Section 34 of the Indian Penal Code.

4. The prosecution story in brief are as under :

In a criminal application filed for seeking directions under Section 156(3) of Code of Criminal Procedure before learned Magistrate, who has passed appropriate order, as a consequence thereof, offence came to be registered. In F.I.R., it is clearly mentioned that applicant No. 2 was married to one Sharda, who died because of poisoning administered by present applicants.

5. According to learned Counsel for the applicants, the applicants claimed that the complaint against them was moved by way of afterthought and according to him, the applicants are falsely implicated in the crime, particularly having regard to the contents in the F.I.R. and events co-related with the same.

6. Learned A.P.P., who was assisted by Mr. Kalani, learned Counsel for the complainant, has opposed the application and submits that there is *prima facie* involvement of the applicants in the crime in question and presumption (rebuttable) is against the present applicants, as deceased Sharda died within the period of seven years from the date of her marriage, custodial interrogation of the applicants is necessary and as such, prayed for rejection of the bail

application.

7. Perused the findings recorded in the final post mortem report and report submitted by Chemical Analyzer from forensic science laboratory. The viscera sent for analysis depicts that stains of poison were not detected in the parts of the body of deceased Sharda. Apart from above, final report of post mortem speaks of cause of death as 'pulmonary oedema due to Aspiration Premonotis'.

8. In the background of above, it is hard to believe that the applicants have administered poison to deceased Sharda, as a consequences, the application stands allowed. Hence, following order.

In the event of arrest, the applicants be released on bail, in Crime No.164 of 2015 registered with Jintur Police Station, District Parbhani, for the offence punishable under Sections 498-A, 302, 201 read with Section 34 of the Indian Penal Code, upon executing P.R. bond of Rs.15,000/- with one surety in the like amount, by each of them. The applicants shall attend the concerned police station on 22nd and 23rd January, 2016 in between 10-00 a.m. to 12-00 noon and thereafter as and when called by Investigating Officer.

9. Criminal Application No. 5283 of 2015 for grant of pre-arrest bail stands allowed in above terms.

[N.W. SAMBRE, J.]

Tupe/18.01.2016