

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

CRIMINAL APPLICATION NO. 5339 OF 2016

Vatsalabai s/o. Bappu Zambare .. Applicant
Age. 66 years, Occ. Agri.,
R/o. Alhanwadi, Tq. Pathardi,
Dist. Ahmednagar.

Versus

The State of Maharashtra .. Respondent

**WITH
CRIMINAL APPLICATION NO. 5340 OF 2016**

Bappu s/o. Bajaba Zambare .. Applicant
Age. 77 years, Occ. Agri.,
R/o. Alhanwadi, Tq. Pathardi,
Dist. Ahmednagar.

Versus

The State of Maharashtra .. Respondent

Mr.A.G. Ambetkar, Advocate for the applicants.
Mr.S.D. Ghayal, APP for respondent/State.

**CORAM : A.M. BADAR,J.
DATED : 07.10.2016**

P.C. :-

1. Applicant - Vatsalabai in Criminal Application No.5339 of 2016 is claiming bail; whereas applicant Bappu

in Criminal Application No. 5340 of 2016 is seeking anticipatory bail in Crime No.332 of 2016 for the offence punishable under sections 306, 498-A read with section 34 of the Indian Penal Code.

2. Heard learned Counsel appearing for the applicants. He argued that applicant Vatsalabai is old lady aged about 66 years, whereas applicant Bappu is an old man of 77 years of age. Learned Counsel argued that allegations against them are sweeping in nature. The marriage was solemnized prior to 11 years of death. The necessary investigation is over and therefore the applicants are entitled for the relief. He argued that the applicants were residing separately from their son Hariba and their deceased daughter-in-law Sangita.

3. Learned APP opposed the application by contending that the couple was residing with present applicants and deceased Sangita was constrained to commit suicide and in that process she jumped in the well along with her daughter Harshada causing her death also. Learned APP relied on statements of witnesses.

4. Perused the case diary. The averments are to the effect that there was cruel treatment to Sangita as she could not deliver male child. It is alleged that her

first daughter was killed by the accused persons by administering poison. At that time report was not lodged because it was thought that, by that, married life of Sangita could have been disturbed. According to prosecution case, thereafter, Sangita delivered three female child. Therefore, she was subjected to cruelty. Apart from that, there was demand of Rs.1 lakh for construction of house and that of Rs.50,000/- for purchase of motor-cycle. According to the statements of witnesses of prosecution, Sangita was used to be subjected to cruelty on account of demand of money from her apart from the fact that she could not deliver a male child.

5. As record of investigation, prima facie, shows cruelty to a married woman of certain persistence on account of demand of money as well as on account of fact that she could not deliver a male child, no case for pre-arrest bail is made out.

6. So far as applicant Vatsalabai is concerned, she is now in magisterial custody remand. Prima facie, it appears that necessary investigation qua Vatsalabai is over. Therefore, considering the fact that she is reported to be more than 60 years of age, she deserves to be released on bail. Therefore, the following order :-

O R D E R

i) Criminal Application No.5340 of 2016 is rejected.

ii) Criminal Application No. 5339 of 2016 is allowed.

iii) Applicant/accused-Vatsalabai Bappu Zambare, in Criminal Application No. 5339 of 2016, in Crime No.332 of 2016, registered with Pathardi Police Station, Dist. Ahmednagar, for the offence punishable u/s 306, 498-A read with section 34 of the Indian Penal Code, be released on bail on executing P.R.Bond of Rs. 15,000/- [Rupees Fifteen Thousand] and on furnishing surety in the like amount.

(iv)As a condition of this Order, the applicant 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.

(v) The applicant shall not tamper the evidence of the prosecution.

[A.M. BADAR, J.]