

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

Criminal Application No. 5459 of 2016

District : Parbhani

1. Bhagwan s/o. Battasagir Chavan,
Age : 40 years,
Occupation : Labour,
R/o. New Bajaj Nagar, Aurangabad.
 2. Sindubai w/o. Uttamrao Giri,
Age : 55 years,
Occupation : Labour,
R/o. Shrirampur,
Taluka : Shrirampur,
District : Ahmednagar.
- .. Applicants.

versus

The State of Maharashtra,
through Police Inspector,
Charthana Police Station,
Taluka : Jintur,
District : Parbhani.

.. Respondent.

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Mr. Vijay R. Langhe, Advocate, for applicants.

*Mr. A.S. Shinde, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 15TH OCTOBER 2016

ORAL ORDER:

Applicants / accused in Crime No. 110/2016 registered with Police Station, Charthana, Taluka Jintur, District Parbhani, for offences punishable under Sections 302, 307, 498A, read with Section 34 of the Indian Penal Code, by this application, are seeking pre-arrest bail.

2. Heard the learned Counsel appearing for applicants / accused. He argued that perusal of the FIR itself goes to show that both applicants are no way concerned with the offence of murder of Jamuna @ Savita w/o. Sanjay Giri.

3. Upon being questioned, the learned Addl. Public Prosecutor fairly stated that papers of investigation does not show that both applicants were in company of co-accused Sanjay s/o. Uttam Giri and deceased Jamuna @ Savita in their journey from Shrirampur towards Parbhani in the night intervening 31.07.2016 and 01.08.2016.

4. According to the prosecution case, applicant no.1 Bhagwan Chavan is brother-in-law, whereas applicant no.2 Sindubai Giri is mother-in-law of deceased Jamuna @ Savita. In the night intervening 31.07.2016 and 01.08.2016, co-accused Sanjay Giri along with his wife Jamuna @ Savita and their children were undertaking journey from Shrirampur towards Parbhani. It is case of the prosecution,

that during the course of that journey within jurisdiction of Charthana village, co-accused Sanjay Giri assaulted his wife Jamuna @ Savita by means of a tommy and left her in the field at Wai Road. Ultimately, said Jamuna @ Savita succumbed to injuries suffered by her.

5. So far as present applicants are concerned, allegations are to the effect that they were harassing Jamuna @ Savita for coercing her to bring Rs. 1,00,000/- from her parents. Prima facie it is seen that allegations against present applicants are for the offence punishable under Section 498A read with Section 34 of the IPC.

6. In this view of the matter, custodial interrogation of both applicants is not warranted.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The interim order dated 3rd October 2016, granting ad interim anticipatory bail to applicants / accused, is confirmed on same terms and conditions.

(c) In addition, applicants shall attend the concerned Police Station on 21st October 2016 in between 11.00 a.m. and 01.00 p.m. and they shall cooperate the investigator in investigation of the

crime in question.

(d) The Application stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

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