

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5823 OF 2016

- 1] Abhijit @ Anil S/o Uttam Giri,
Age : 27 years, Occu.: Labour,
R/o. Shrirampur, Tq. Shrirampur,
Dist. Ahmednagar
- 2] Uttam S/o Motiram Giri,
Age : 62 years, Occu.: Labour,
R/o. Shrirampur, Tq. Shrirampur,
Dist. Ahmednagar
- .. Applicants

Vs.

The State of Maharashtra,
Through Police Inspector,
Charthana Police Station,
Tq. Jintur, Dist. Parbhani

.. Respondent

Mrs. Pooja V. Langhe, Advocate for the applicants
Mr. S.M. Ganachari, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.
DATE : 18/11/2016

ORAL ORDER :

Heard.

2. Applicant no.1 - brother-in-law of deceased Savita and applicant no.2 - father-in-law of deceased Savita, apprehend their arrest in connection with crime no.110 of 2016 registered at Charthana Police Station, Tq. Jintur, Dist. Parbhani for the offences punishable

under section 302, 307, 498-A r/w. 34 of the Indian Penal Code.

3. The report in question has been lodged by the brother of one Savita, who was married with Sanjay Giri. From said marriage, they had two children. In report, it is stated that on 31/7/2016, when the couple was going on towards Parbhani, Sanjay assaulted his wife on the head, resulting in her death. In the report, it is further stated that the other family members of Sanjay were harassing the deceased in the context of demand of dowry.

4. On behalf of the applicants, it is submitted that vague statements are made in the FIR. Insofar as present applicants are concerned, the only allegation is with regard to offence punishable under section 498-A of the Indian Penal Code. It is further submitted that other co-accused, except the husband, have been enlarged on bail.

5. The application is opposed by the learned A.P.P. by relying upon the police papers. He has pointed out the statements of the landlord of Sanjay and other neighbours, wherein they have stated that the

deceased used to tell them that she was being asked by the family members of Sanjay to satisfy the demand for dowry.

6. Perused the police papers. Statements of the landlord and another neighbour merely refer to the disputes between the husband and wife. Statements of two other neighbours make vague reference to the statements made by deceased with regard to satisfying the demand for dowry. The deceased and her husband were staying at different place than where the present applicants were staying. Considering the statements made in the FIR and absence of any overt act on the part of the present applicants, the applicants would be entitled for protection.

7. The observations made in the order dated 15/10/2016 in Criminal Application No. 5459 of 2016 also support the stand of the applicants.

8. In view of above, the Criminal Application is allowed.

9. In the event of applicants' arrest with regard to crime no.110 of 2016 registered at Charthana Police

Station, Tq. Jintur, Dist. Parbhani for offences punishable under sections 302, 307, 498-A read with section 34 of the Indian Penal Code, they shall be released on bail on their executing P.R. bond of Rs.15,000/- (Rs. Fifteen Thousand) and on furnishing surety in the like amount, by each of them.

10. 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 to the Court.

11. The applicants shall not tamper with the material collected by the prosecution nor shall enter the area where Sanjay and the deceased were residing.

12. They shall co-operate with the prosecution and attend the concerned Police Station as and when directed.

13. Application is allowed and disposed of.

[A.S. CHANDURKAR]
JUDGE

arp/