

(1)

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

CRIMINAL APPLICATION NO.6061 OF 2016

1. Mangal w/o Bapurao Bendle,
Age : 60 years, Occ. Household,
R/o Dongarewadi, Tq. Deoni,
Dist. Latur
 2. Kusum w/o Jayram Yumulwad,
Age : 30 years, Occ. Household,
R/o Talegaon Dabhade,
Tq. & Dist. Pune
- ..APPLICANTS

VERSUS

The State of Maharashtra,
Through P.I. Deoni Police Station,
Dist. Latur

..RESPONDENT

Mr T.M. Venjane, Advocate for applicants;
Mr C.V. Dharurkar, Addl. Public Prosecutor for respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 25th November, 2016

ORAL ORDER :

Heard.

2. The applicants, who are accused in C.R. No.179 of 2016, have been arrested on 16th September, 2016, for the offence that has been registered at Deoni police station, punishable under Sections 498-A, 304-B, 306 read with Section 34 of the Indian Penal Code.

3. In the first information report lodged by the mother of Jyoti, who was married with Rajkumar, it is stated that said marriage took place in the year 2013. Husband of Jyoti was working at Palghar and they were

(2)

residing there. Said Jyoti had gone to her mother's place after conception and stayed there for almost a year. It is further stated that husband of Jyoti and other family members including applicant no.1 – mother-in-law and applicant no.2 – sister-in-law used to harass Jyoti on the ground that sufficient items were not given when she got married. In this background, present application has been filed.

4. It is submitted by the learned Counsel for the applicants that the statements made in the first information report are general in nature and there is no attribution of any particular role to any person. Applicant no.2 is resident of Pune and had come to attend the funeral, at which point of time, she was arrested. It is further submitted that Jyoti was suffering from convulsions and was under treatment. As nothing remains to be seized during investigation, the applicants be released on bail.

5. The application is opposed by the learned Addl. Public Prosecutor by relying upon the police papers. He submits that statements of relatives of Jyoti indicate identical stand as reflected in the first information report. He submits that considering the statements, the application deserves to be rejected.

6. Perused the first information report and other documents placed on record. The statements in the first information report are of general nature and attributed to all family members. It is also stated in the report that after marriage the couple was residing at Palghar and thereafter for almost a

(3)

year Jyoti was residing with her mother. Considering the fact that applicants have been arrested on 16th September, 2016, I do not find any reason to continue their pre-trial detention.

7. In this view of the matter, the following order is passed :-

The applicants be released on bail, pursuant to arrest in C.R. No.179 of 2016, registered at Deoni police station, for offences punishable under Sections 498-A, 304-B, 306 read with Section 34 of the Indian Penal Code, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in like amount.

- (i) The applicants shall co-operate with the Investigating Officer and attend the concerned police station as and when directed.
- (ii) No steps be taken to influence the prosecution witnesses.

Observations made in the present order are only for the purposes of deciding the present application.

Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

amj