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

CRIMINAL APPLICATION NO.6235 OF 2016

1. Gayabai w/o Yashwant Tate,
Age : 42 years, Occ. Household,
R/o Pokhari, Tq. Loha, Dist. Nanded
2. Seema w/o Gajanan Kadam,
Age : 23 years, Occ. Household,
R/o Shelgaon, Tq. Loha, Dist. Nanded
3. Somitra w/o Sarjerao Husekar,
Age : 21 years, Occ. Household,
R/o Pokhari, Tq. Loha, Dist. Nanded ..APPLICANTS

VERSUS

1. The State of Maharashtra
2. The District Superintendent of Police,
Nanded, Dist. Nanded ..RESPONDENTS

Mr A.M. Gaikwad, Advocate for applicants;
Mr V.M. Kagne, Addl. Public Prosecutor for respondents

CORAM : A.S. CHANDURKAR, J.

DATE : 2nd December, 2016

ORAL ORDER

Heard.

2. The applicants apprehend their arrest, in connection with C.R. No.190 of 2016, registered at Loha Police Station, Dist. Nanded, for offences punishable under Sections 498-A and 306 of the Indian Penal Code.

3. As per the first information report dated 11th October, 2016 lodged by the father of one Sanjivani, his daughter was married prior to four years.

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It is stated in the report that demand of Rs.4 Lacs was being made by his son-in-law and his parents. Prior to about two years, amount of Rs.1 Lac had been given, but the harassment of his daughter continued. On 11th October, 2016, said Sanjivani died of drowning in the well. On this basis offence came to be registered.

4. It is submitted by the learned Counsel for the applicants that allegations of general nature are made in the report. No specific statement of any illtreatment or harassment by the applicants had been narrated. No previous reports were either lodged by the informant nor was there any such occasion to do so. It is submitted that applicant no.1 is the mother-in-law, while applicants no.2 and 3 are the sisters-in-law of the deceased, who are residing elsewhere. It is, therefore, submitted that applicants are entitled for protection.

5. The application is opposed by the learned Addl. Public Prosecutor by relying upon the police papers. According to him, considering the demand for dowry as narrated in the first information report, the applicants are not entitled for any protection. He has referred to the statements of the family members of the deceased in that regard.

6. Perused the police papers. The death of Sanjivani is reported to have occurred due to drowning. Independent witnesses have stated that they saw said Sanjivani falling in the well in the morning hours. The post mortem report does not indicate any injuries on her body.

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7. Considering the statements made in the first information report and absence of any specific role being attributed to the applicants, I am inclined to confirm the interim protection granted to them. Moreover, applicants no.2 and 3, who are married, are stated to be residing separately. In view of aforesaid, the following order is passed :-

8. In the event of applicants' arrest, in connection with C.R. No.190 of 2016, registered at Loha Police Station, Dist. Nanded, for offences punishable under Sections 498-A and 306 of the Indian Penal Code, they shall be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

- (i) The applicants shall attend the concerned police station as and when directed by the Investigating Officer.
- (ii) No steps shall be taken to tamper with the material collected by the prosecution.

Observations made in this order are only for deciding the present application. Same is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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