

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICTION NO.127 OF 2016

Hemendra Mohan Sawant and ors. ..Applicants.
vs.
The State of Maharashtra. ..Respondent.

Mr. Niranjan Munderggi for the Applicants.
Mrs. P. P. Shinde, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 22nd January, 2016.

P.C.

The applicants are apprehending arrest in CR No.14/2016 registered with Kandivali Police Station, Mumbai under Sections 306 read with 34 of the Indian Penal Code.

2) At the out set, the learned counsel for the applicants seeks leave to withdraw the application as far as applicant No.1,2 and 3 are concerned, he seeks liberty to surrender before the Investigating officer on or before 11.00a.m. on 29.1.2016. Leave and liberty granted. Application is dismissed as against respondent Nos. 1,2 and 3.

3) As far as applicant No.4- Lalita Nitin Pilankar is concerned she is the sister of applicant No.1 and sister-in-law of deceased Smt. Swrupa. In the first information report dated 9.1.2016 the complainant, the brother of deceased Smt.Swrupa has made general allegations against the applicant No.4. No specific role either of demand or harassment has been attributed to the said applicant. As a matter of fact, the applicant No.4 is a married woman and staying separately with her family. She only occasionally used to visit Applicant Nos. 2 and 3 i.e. her father and mother respectively. In view of the same, according to me the custodial interrogation of the applicant No.4 is not necessary and she is protected by pre-arrest bail.

Hence, the following order.

ORDER

- a) The present application is dismissed with liberty as aforesaid against the applicant Nos. 1,2 and 3.
- b) As far as Applicant No.4 is concerned, in the event of her arrest in Cr No.14/2016 registered with Kandivali Police Station, Mumbai she shall be released on PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- c) The applicant No.4 shall attend the Investigating Officer as and when called for between 10.00 a.m. to 12.00 noon and to join the process of investigation till filing of the charge-sheet.
- d) It is needless to mention that before calling the Applicant No.4 to the Police Station, the Investigating Officer shall issue a notice under Section 160 of the Cr.P.C.
- e) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- f) Application is partly allowed in the aforesaid terms.
- g) Parties to act on a copy of this order duly authenticated by the registry of this Court.

(A.S. GADKARI, J.)