

*Ladda*FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1761 of 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr Amol Patankar for the applicants.
Smt.P.P.Shinde, APP for the State.
Mr Bharat V. Bhatia for Respondent no.2.
A.P. Chaudhari, API, Hill Line P.S.Thane City.

CORAM : A.S.GADKARI, J.
DATE : 3rd March, 2016

P.C.

- 1) Heard the learned counsel for the original complainant at length.
- 2) The learned counsel for the original complainant submitted that the daughter of the complainant has committed suicide because of the constant harassment meted to her by the applicants herein. He further submitted that the applicants may be sent to police custody so that the truth behind the present crime will be revealed. The learned counsel for the complainant further submitted that though the husband of the deceased is arrested and is still behind the bars, the real truth behind the crime has not been unearthed by the police. That it is not a simplicitor case of suicide but as per his instructions

the present case is of murder and unless and until the applicants are sent to police custody, investigation from that angle cannot be effected.

3) The record discloses that neither the postmortem report nor during the custodial interrogation of accused no.1 i.e. Tirathsingh Labana it was revealed that the death of the deceased was due to physical assault or by strangulation. It was, in fact, revealed that the deceased died due to asphyxia due to hanging. The possibility or the probability of murder has been ruled out during the course of investigation.

4) May as that it may, the learned APP, on instructions from the Investigating Officer who is present in the Court submitted that in pursuance of order dated 7.12.2015 the applicants have attended the Investigating Officer on the stipulated dates and have joined the process of investigation. She further, on instructions, submitted that the custodial interrogation of the applicants is not necessary. In view of the statement made by the I.O., the interim relief granted by order dated 7.12.2015 is hereby confirmed.

5) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)