

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 139 OF 2016

(VISHAL ARUNAPPA NAKHATE & ANR...VS..STATE OF MAH. THR. PSO PS SHIRPUR, DIST. WASHIM)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : APRIL 04, 2016.

Heard Shri S.V. Sohoni, advocate for the
applicants and Shri K.R. Lule, APP for the non-applicant.

The applicants apprehend arrest in crime
registered against them, their brother Bharat (husband of
deceased Ahyodhya) and their mother Sadhana for the
offence punishable under Sections 498-A, 304-B and 306 and
34 of the Indian Penal Code.

The accusations against the applicants and co-
accused are that because of harassment on the part of all the
accused including the applicants, deceased Ayodhya
committed suicide within nine months of her marriage. The
learned advocate for the applicant has submitted that the
applicants had been residing in adjacent house separately,
that applicant No.1 is married and is having seven months'
child and that the applicants are falsely implicated.

The learned A.P.P. has submitted that apart from
the fact that there is sufficient material against the applicants,
father of the deceased has lodged report that the applicants
are pressurizing him and threatening him of dire

consequences and therefore, the application filed by the applicants under Section 438 of the Code of Criminal Procedure be rejected.

As far as apprehension of the non-applicant that the applicants may tamper with the evidence, it does not appeal to the judicial mind inasmuch as the informant is father of the deceased and cannot be said to be prone to any pressure. Moreover, father of the deceased is resident of Etoli, Tahsil : Jintur, District : Parbhani and the applicants are residents of Chandus, Tahsil : Malegaon, District : Washim.

The non-applicant has not been able to show that custodial interrogation of the applicants is required for further investigation.

Considering the facts on record, I am of the view that the interim order passed by this Court on 8th March, 2016 is required to be confirmed.

Hence, the following order :

In the event of arrest in Crime No. 117 of 2015, registered by the non-applicant, the applicants be released on bail on furnishing P.R. Bond of Rs. Twenty Thousand each and two solvent sureties in the like amount for each of the applicant.

The application is allowed in the above terms.

JUDGE