

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

CRIMINAL APPLICATION (ABA) NO.681 OF 2016
(Mandabai w/o Arjunrao Mhaisne and others vs. State of Maharashtra)

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

Shri N.R. Tekade, Advocate for applicants.
Shri H.D. Dubey, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 23, 2016

Heard learned Counsel for the parties.

Applicant no.1 being mother-in-law,
applicant no.2 being father-in-law and applicant no.3
being brother-in-law of deceased Kavita having been
involved in Crime No.327/2016 registered for the
offences punishable under Sections 304-B and 498-A
read with Section 34 of Indian Penal Code have filed this
application for grant of anticipatory bail.

Shri Tekade, learned Counsel for applicants,
submits that marriage between deceased and son of
applicant nos.1 and 2 was solemnized on 1/1/2016 and
till the incident took place on 8/9/2016, on which day
Kavita committed suicide by consuming poison, none of
these applicants stayed with her as after marriage,
deceased and her husband were staying at village Manki,
Tahsil Balapur, District Akola while applicants have their
house at Akola. In support of their case, applicants have
relied upon Aadhar Cards issued in their names where all
the three applicants are stated to be residents of Fadke

Nagar, June Shahar, Akola.

The aforesaid fact is further found substantiated from the say of prosecution, i.e. para 3 of its reply wherein it is submitted that applicants have agricultural land at village Manki and also have eight rooms' house at that village in addition to house at Akola.

The learned Additional Public Prosecutor has opposed the application on the ground that interrogation of applicants is necessary as from the statements, it is established that applicants were giving ill-treatment to deceased for non payment of dowry and had assaulted her, due to which she consumed poison

Prima faice it is noted that applicants were not residing at Manki village where according to case of prosecution, deceased and her husband Atul were residing and were cultivating their agricultural land. Similarly, order passed by learned Additional Sessions Judge reveals that as per post mortem report, no injuries were found on the person of deceased. Having considered the facts as aforesaid and as it is prima facie seen that applicants were residing in a separate house than the house in which deceased was staying with her husband, application is liable to be allowed by imposing suitable conditions as per order below :

In the event of arrest of applicants in Crime No.327/2016, applicants shall be released on bail on their executing P.R. bond in the sum of Rs.15,000/- each with one surety in like amount. While on bail, applicants shall mark their presence with Police Station,

Balapur on 26/11/2016 between 11 a.m. and 1 p.m. and thereafter on every alternate day till 15/12/2016. The applicants shall cooperate with Investigating Officer.

The criminal application is disposed of.

JUDGE

khj