

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

CRIMINAL APPLICATION (ABA) NO.685 OF 2016
(Sau. Pushpa w/o Sambhajirao Deshmukh 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 C.R. Sharma, Advocate for applicant.
Shri N.B. Jawade, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 30, 2016

Heard learned Counsel for both sides.

By this application, applicant, who is mother-
in-law of deceased Aarti, is seeking bail before arrest.

Shri Sharma, learned Counsel for applicant,
submits that there are no specific allegations against
applicant in the first information report and according to
case of prosecution, marriage between deceased Aarti
and son of applicant though registered on 23/1/2016,
was solemnized on 29/6/2016 in a temple. It is the
specific case of applicant that after marriage, she was not
residing with her son, who is co-accused in the present
case and learned Counsel has pointed out observations of
learned Sessions Court to that effect. It is, therefore,
contended that interim protection granted to applicant
be confirmed.

Shri Jawade, learned Additional Public
Prosecutor for respondent, has opposed the application
on the ground that there is direct evidence and
involvement of applicant as such is established.

Prosecution has also relied upon statement of mother of deceased recorded under Section 164 of Code of Criminal Procedure contending therein that ten days prior to incident, which occurred on 25/9/2016 on which day Aarti committed suicide by drowning, she had visited her mother and on that day, had complained about ill-treatment meted out to her. It is, therefore, contended that application may be rejected.

In the light of facts as aforesaid, on perusal of report lodged by father of deceased, marriage between deceased and co-accused was a love marriage, which was initially registered in January 2016 and was then performed in some temple in June 2016 and in spite of facts as aforesaid, complaint reveals that applicant and her son Vishal were providing ill-treatment and were making dowry demand to deceased since 23/1/2016 which, prima facie does not appear to be convincing as per contents of the report as aforesaid, which fact is also observed by learned trial Court while considering applicant's application for grant of anticipatory bail in clear terms that deceased started residing with applicant and co-accused/husband from 29/6/2016 though their marriage was registered on 23/1/2016.

With regard to involvement of applicant as per statement of mother of deceased, it is seen that with regard to incident dated 16/9/2016, on which day deceased is stated to have attended her parental home and made a complaint to her mother, said complaint appears to be only against her husband. There is no

whisper of any sort against applicant. In that view of the matter, interim protection granted to applicant is liable to be confirmed on the same terms and conditions. Hence, the following order :

The criminal application is allowed. The interim protection granted to applicant stands confirmed on the same terms and conditions with further direction to her to attend Investigating Officer, if required, till filing of charge-sheet.

JUDGE

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