

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

CRIMINAL APPLICATION (ABA) NO.738 OF 2016
(Sau. Lata Babarao Olambe and another 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 R.D. Wakode, Advocate for applicants.
Shri V. Gangane, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : DECEMBER 02, 2016

Heard learned Counsel for the parties.

The applicants, who are in-laws of
complainant, have sought bail before arrest in Crime
No.788/2016 registered for the offences punishable
under Sections 307 and 498-A read with Section 34 of
Indian Penal Code.

It is the case of applicant no.1 that she is
working as Arogya Sevika with Public Health
Department, Harisal, Sub-Centre, Nandori since last two
years while applicant no.2 – her husband is residing with
her having retired from Police Department sine June
2014. They had no occasion to reside with their son
Gaurav whose wife has lodged report, on the strength of
which aforesaid crime came to be registered.

Perusal of first information report reveals
that on 19/10/2016 as complainant's husband was
under the influence of liquor, she had objected him for
consuming it, upon which applicants are stated to have
said her that she should not say anything to their son

when he consumes liquor. At that time, complainant's husband saying that he would stop her mouth obtained insecticide powder, which was lying in the house and administered it to her and applicants had assisted him.

Except above allegations, there are no allegations attracting provisions of Section 498-A of Indian Penal Code. So far as offence punishable under Section 307 of Indian Penal Code is concerned, above contents of report are found belied by the medical report wherein it is specifically stated that no poisonous powder or any substance was found consumed or administered to complainant. Documents filed in support of application do establish that since two years prior to incident, applicant no.1 is posted in the Health Department at village Nandori, Taluka Dharni, District Amravati. Admittedly, her husband is a retired Police Officer.

Having considered aforesaid facts, order dated 4/11/2016 granting interim protection to applicants is liable to be confirmed on the same terms and conditions with further direction to applicants to attend Investigating Officer, if called, till filing of charge-sheet. The criminal application is accordingly allowed.

JUDGE

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