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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.176 OF 2017

1. Gangaram @ Gangadhar s/o
Babu Nivdunge,
Age 55 years, Occu. Agri.,
R/o Nivdungwadi, Tal-Parner,
District Ahmednagar

2. Mirabai w/o Gangaram @
Gangadhar Nivdunge,
Age : 52 years, Occu. Agri.,
R/o Nivdungwadi, Tal-Parner,
District Ahmednagar

..APPLICANTS

VERSUS

The State of Maharashtra
through Incharge Officer,
Police Station, Parner,
Taluka Parner,
District Ahmednagar

..RESPONDENT

Mr Sandip R. Andhale, Advocate for applicants;
Mr R.V. Dasalkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 20th January, 2017

ORAL ORDER

By the present application under Section 438 of the Code of Criminal Procedure, the applicants, who are in-laws of deceased Ujjwala, are seeking their release on bail, in connection with C.R. No.I-313 of 2016, registered with police station, Parner, Taluka Parner, District Ahmednagar, for offences punishable under Sections 498-A, 306, 323, 504 and 506 of the Indian Penal Code.

(2)

2. Complainant Mininath, father of deceased Ujjwala, has filed the complaint alleging that his daughter got married on 19th May, 2010 with accused Datta. It is then alleged that since marriage of Ujjwala, there was consistent demand of amount of Rs.1 Lakh for purchasing four wheeler transport vehicle and on account of non-fulfillment whereof, she was subjected to cruelty.

3. Learned Counsel appearing on behalf of the applicants submits that the main accused Datta, who is husband of Ujjwala, is already arrested. It is then claimed that so far as applicants are concerned, they are in-laws of deceased Ujjwala and the only role attributed to them is that of not providing food to deceased and supporting the demand of dowry of main accused Datta.

4. So far as offence punishable under Section 306 of the Indian Penal Code is concerned, what could be gathered is, the necessary ingredients *qua* knowledge of the present applicants that Ujjwala will commit suicide, cannot be inferred from the material available on record. Apart therefrom, the fact remains that the main accused is already arrested.

5. In view thereof, in my opinion, custodial interrogation of the applicants is not warranted. As such, in my opinion, it will be appropriate to direct release of the applicants on pre-arrest bail. Hence, following order :-

In the event of arrest of the applicants, in connection with C.R.

(3)

No.I-313 of 2016, registered with police station, Parner, Taluka Parner, District Ahmednagar, for offences punishable under Sections 498-A, 306, 323, 504 and 506 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one or two sureties for the like amount.

The applicants shall attend the Investigating Officer on 1st and 2nd February, 2017, between 10.00 a.m. and 12 noon and thereafter as and when called.

The applicants shall not take any steps to influence the prosecution witnesses or tamper with evidence.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj