

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

918 CRIMINAL APPLICATION NO. 1514 OF 2017
WITH APPLN/1624/2017 IN APPLN/1514/2017

KESHARBAI W/O. ANKUSH RATHOD AND ANR.
VERSUS
THE STATE OF MAHARASHTRA

Shri. N.B. Narwade, Advocate, for applicants.

Shri. A.A. Jagatkar, Additional Public Prosecutor, for
respondent.

Shri. M.V. Nagargoje, Advocate, for applicant in Criminal
Application No.1624 of 2017.

Coram: T.V. NALAWADE, J.

Date: 4 April 2017

ORDER:

1) Criminal Application No.1624 of 2017 filed for
permission to assist the learned Additional Public
Prosecutor is allowed.

2) The application is filed for relief of anticipatory
bail. During arguments learned counsel for applicant
No.1, Kesharbai, on instructions, submitted that he wants
to withdraw the proceeding in respect of Kesharbai. This

Court had expressed that this Court is not inclined to grant the relief in favour of Kesharbai. So the application of Kesharbai is disposed of as withdrawn.

3) Learned Additional Public Prosecutor has opposed the application of applicant No.2 Sangita also.

4) The crime is registered on the basis of report given by cousin of the deceased. The deceased was aged about 17 years. As per the case of the prosecution Vilas and the deceased Manisha had affair and the two families had decided to perform their marriage. As Manisha had not completed 18 years of age, the marriage could not be performed immediately and so only negotiations had taken place. Allegation is made that the side of the bride had agreed to give dowry of Rs.1.5 lakh. Allegation is made that family of the bridegroom started demanding dowry of Rs. five lakh and as the complainant side refused to give that amount, there was no possibility of the marriage. There is allegation that due to the affair of Vilas with the deceased, deceased was proved to be hurdle in marriage of Vilas with other girl and so they administered poison to

deceased Manisha. Allegation is made that on 20-1-2017 at 3.00 p.m. when the complainant was present in his field and the deceased was present in the adjoining field, he rushed to the adjoining field due to shouts of Manisha as "save me, save me". It is the contention of the complainant that when he reached the spot, he noticed that present applicants, Vishwas and his father Ankush were running away. He has contended that the deceased disclosed that in the incident, applicant No.1-Kesharbai and applicant No.2-Sangita had held her and then Ankush and Vilas had poured poison into her mouth. The bottle was not there and the deceased disclosed that the bottle was taken away by those persons. The deceased was admitted in the hospital but she was unconscious when she was admitted in the hospital and she died on 21-1-2017 at about 1.30 a.m.

5) There is record like spot panchanama and also post mortem report. The post mortem report shows that abrasions were found only on left forearm but the scab was also there. In view of these circumstances it would be important to ascertain the time of the incident and the

time of death. Further there is circumstance that when deceased was admitted in the hospital, admittedly, she was unconscious. These circumstances will have to be kept in mind by the Court while appreciating the evidence given on oral dying declaration.

6) It can be said that there are specific allegations against both the applicants. The age of applicant No.2 Sangita is stated to be 18 years and she is unmarried. In view of nature of material this Court holds that protection needs to given to applicant No.2 Sangita. If protection is not given her future and prospects of marriage will be destroyed.

7) In the result, the application No.2 Sangita is allowed. The interim protection given to her is hereby confirmed. The applicant-Sangita is to attend the concerned police station on 8 and 9 April 2017 between 9.00 a.m. and 12.00 noon and she is to cooperate police during investigation.

Sd/-
(T.V. NALAWADE, J.)

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