

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

CRIMINAL APPLICATION NO. 2488 OF 2017

Avinash Laxman Bibave
and another

... Applicants

VERSUS

The State of Maharashtra

... Respondent

.....

Mr. S.T.Shelke, advocate for the applicants
Mr. P.N.Kutti, A.P.P for respondent

.....

CORAM : K.L.WADANE, J.

DATED : 12th JUNE, 2017

O R D E R :

Heard learned counsel for the applicants
and learned A.P.P. for respondent.

2. The applicants have claimed relief under
Section 438 of the Criminal Procedure Code in
connection with Crime No. 60 of 2017, registered
against the applicants and other accused persons
on 4.5.2017 at Sangamner Taluka police station,
District Ahmednagar, for the offences punishable
under Sections 302, 498A, 323, 504, 506 r/w 34 of
the Indian Penal Code.

3. One Sujit Pawase lodged complaint with

police station stating that his sister was treated nicely for few months after the marriage and thereafter her husband and in-laws started illtreating her on account of demand of Rs.Five Lacks for purchase of tractor.

4. Perused the papers of investigation.

5. Mr. Shelke, learned counsel appearing for the applicants submits that there is absolutely no evidence against the present applicants. The applicants are residing separately from husband of the deceased. Therefore, there was no question of any illtreatment.

6. I have perused the statement of one Malhari Pawase, from which it is seen that when on 23.7.2016 deceased came to village Hiwargaon Pawasa, that time she met with this witness and at that time this witness noticed injuries on the face of the deceased.

7. Further more, same thing has been disclosed by the witness informant Sujit Pawase. From the contents of the first information report, it appears that present applicants were also

illtreating and beating the deceased.

8. Therefore, at this stage I do not find any reason for the police to implicate the present applicants in the crime.

9. In view of the above, the application is rejected.

10. Liberty is granted to the applicants to move the learned Sessions Judge after filing of the charge sheet.

(K.L.WADANE, J.)

dbm/crap2488.17