

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1332 OF 2017

Kiran Krishna Kadam & Ors	...Applicants
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Chetan Akerkar, for the Applicant.
Ms. A.A. Takalkar, APP for the State/Respondent.

CORAM: T.V. NALAWADE, J
DATED: 10th August 2017

PC:-

1. The Application is filed for relief of anticipatory bail in Crime No.101 of 2017 registered in Roha Police Station, District Raigad, for the offences punishable under Sections 498-A, 307, 323, 504 r/w 34 of Indian Penal Code. Both sides are heard.

2. The crime is registered on the basis of report given by the wife of the Applicant no.1 Kiran. She was given in marriage to Applicant no.1 in May 2016. It is her case that after three months of marriage illtreatment was given to her by her husband and mother-in-law. It is the case that many meetings were held to convince the husband and his mother to behave well, but their conduct did not improve.

3. The first informant was living in the house of her parents from November 2016 to March 2017. In marriage there was a meeting and then husband and his mother agreed to accept the first informant back in the matrimonial house. She returned to matrimonial house on 5th March 2017. The first incident of quarrel took place on 18th March 2017 on petty count and she somehow tolerated that illtreatment. The extreme illtreatment took place on 24th May 2017. She has made allegation that all that night when she was sleeping, her husband made her to wake up and started assaulting her. She has made allegation that her mother-in-law also dashed her head against wall. She has made allegation that her mother-in-law poured kerosene on her person. She has made allegation that when they were searching match box, she pushed aside her mother-in-law and ran out of the house and then she ran towards house of Moreshwar Kale, her maternal uncle. The report was made on 25th May 2017 and the crime came to be registered for the aforesaid offences. The papers of investigation which were shown to this Court by the learned APP show that the spot panchnama is consistence with the allegation. After that there is the statement of Moreshwar Kale in which there is the contention about the disclosure made by the first informant to him about the incidence. Initially she had blamed only the husband for the incidence. There is medical examination record which was conducted in the night between 24th May 2017 and 25th May 2017 and it shows that there was kerosene on the person of the first informant. In view of these circumstances, this Court holds

that protection can be given to Applicants nos. 2 and 3 and not to Applicant no. 1.

4. In the result, the Anticipatory Bail Application of Applicant No.1, Kiran, is rejected. Ad-interim relief granted in his favour stands vacated.

5. The Application in favour of Application Nos.2 and 3, the parents of Applicant No.1 Kiran, is allowed. Ad-interim relief granted in their favour is confirmed.

(T. V. NALAWADE, J.)