

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1567 OF 2017

Nagesh Vithal Khavale	 Applicant
vs	
State of Maharashtra	.. Respondent

with ANTICIPATORY BAIL APPLICATION NO.1568 OF 2017

Pravin Govind Aawle	 Applicant
vs	
State of Maharashtra	.. Respondent

Mr.Ajit Kenjale for Applicants
Ms.S.S.Kaushik APP for State

Coram : A.S.GADKARI, J
Date : 16th NOVEMBER 2017

P.C.

1. By an order dated 7.9.2017 the Applicants were granted interim relief and the present Application was adjourned from time to time for want of the viscera Report from the Forensic Science Laboratory, Nasik. The investigating agency has now received the said viscera Report.

2. Perused the record of investigation.

3. It is the case of the prosecution that the Applicant-

Nagesh Khavale is the husband of the deceased Mrs.Shital and the Applicant-Pravin Aawle is the maternal uncle of the Applicant-Nagesh Khavale. That the marriage between deceased Mrs Shital and the Applicant-Nagesh Khavale was performed on 15.11.2015. For the first few months, the deceased was treated properly by the Applicant-Nagesh Khavale and his family members. However, subsequently, they started causing harassment and cruelty to Shital and used to demand Rs.70,000/- for purchasing a motor-cycle. That Mrs.Shital left the matrimonial house on 10.3.2016 and came to her parent's house at Shrigonda, District Ahmednagar. That on 3.4.2016 the Applicant-Nagesh Khavale along with his parents and the Applicant-Pravin Aawle had been to the house of deceased Mrs Shital and requested her to cohabit with him. However,Mrs.Shital refused to accompany them. After the said persons left the parent's house of Mrs Shital, the deceased Mrs.Shital complained of pain in her stomach and therefore, she was admitted in the hospital at Shrigonda,District Ahmednagar. She was subsequently transferred to Bharti Hospital, Pune and during the course of her medical

treatment, she expired on 9.4.2016. The First Information Report is lodged by Sanjay Dashrath Tupe, father of the deceased-Mrs.Shital.

4. The viscera Report is silent about any poisonous substance either in the stomach wash or any other body fluid of the deceased. The cause of death of Mrs.Shital is yet to be ascertained. It is to be noted here that Shital was not residing with Applicant-Nagesh Khavale since 10.3.2016 and was staying with her parents at Shrigonda District Ahmednagar. It prima facie appears that the applicant Pravin has been roped in the present crime only because he is uncle of Nagesh and had accompanied him on 3.4.2014 to the house of Mrs.Shital.

5. In view of the above, the Applicants can be protected by way of pre-arrest bail.

6. The interim relief granted to the Applicants by order dated 7.9.2017 is confirmed. However, the Applicant-Nagesh Khavale is directed to attend the Investigating Officer between 10.00 a.m. and 1.00 p.m. and to join the process of investigation till the submission of the charge sheet.

Applications are allowed in aforesaid terms.

(A.S.GADKARI, J)