

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.344 OF 2017

(Ganesh Narayan Mahalle and another..vs..State of Maharashtra, through
PSO.PS.Barshitakli,District-Akola)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri A.R.Deshpande, Advocate for applicants.
Shri J.Y.Ghurde, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 8 , 2017

This is an application under Section 438 of Code of Criminal Procedure, since the applicants who are father in law and mother in law of deceased Swati are apprehending their arrest in connection with Crime No.105/2017, registered with P.S.Barshitakli,District-Akola, for the offence punishable under Sections 498-A and 304(B) read with Section 34 of the Indian Penal Code.

2] I have heard Shri A.R.Deshpande, learned advocate for applicants and Shri J.Y.Ghurde, A.P.P. for State-non-applicant.

3] The F.I.R. is lodged by Avinash Narayan Aakhre, the elder brother of deceased Swati. The marriage of Swati was performed with Dattatraya Ganesh Mahalle, the son of present applicants. From the wedlock Swati delivered a girl child. It is to be mentioned that husband Dattatraya is not joined as accused in the F.I.R.

4] Swati committed suicide by pouring kerosene on herself. When the first informant visited ICON Hospital where at Swati was admitted he found that she was not in a position to speak. According to F.I.R. when the deceased used to come to her parental house it was disclosed by her that the present applicants used to pass comments that her parents has given less dowry. In my view, the recitals in the F.I.R. show that the applicants who are aged about 60 and 55 years can be granted anticipatory bail, Hence, the order.

ORDER

- I) The application is allowed.
- II) In the event of arrest of applicants Ganesh S/o Narayan Mahalle and Rekha Ganeshrao Mahalle in connection with Crime No. 105/2017, registered with P.S.Barshitakli, District-Akola, for the offence punishable under Sections 498-A and 304(B) read with Section 34 of the Indian Penal Code, they shall be released on bail on their executing P.B. of Rs. 5000/- each.
- III) The applicant no.1 shall attend P.S.Barshitakli, District-Akola as and when directed by the investigating officer. However, for that investigating officer should give a clear 48 hours prior written notice to the applicant no.1.
- IV) The applicants shall not tamper the prosecution witnesses.

JUDGE