

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

CRIMINAL APPLICATION (ABA) NO.657/2017

Shri Madhav s/o Vithoba Mhaiskar and ors. ..vs.. State of Maharashtra
through PSO P.S. Bhivapur.

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

Court's or Judge's orders.

Mr. P. D. Randive, Advocate for applicants.
Mr. J. Y. Ghurde, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 28, 2017

Heard Mr. P.D.Randive, Advocate for applicants and Mr. J.Y. Ghurde, A.P.P. for non applicant-State.

I have perused the investigation papers and the reply filed on behalf of the non applicant-State. The present applicants are seeking pre-arrest bail since the applicants are apprehending their arrest in connection with Crime No.232/2017, registered with Police Station, Bhivapur for an offence punishable under Section 306, 304-B, 498-A, 506 and 34 of the Indian Penal Code and under Sections 3 and 4 of Domestic Violence Act, 2005.

The present applicants are father-in-law, mother-in-law and brother-in-law of the deceased Nirasha. Her marriage took place with Sanjay on 13.05.2015. According to the prosecution, she committed suicide by jumping into the well on

30.08.2017 due to the ill treatment at the hands of the present applicants. The FIR is lodged on the next day by Dipraj, father of the deceased.

It is reported that the husband Sanjay is already arrested by the investigating officer. With the assistance of the learned A.P.P., I have gone through the FIR so also the other statements recorded during the course of investigation. The FIR and statements of the witnesses clearly show that the entire allegations are against the husband Sanjay. They in chorus state in their police statements that the husband of the deceased was habituated to drinks and under the influence of liquor he used to beat the deceased. Further, they claim that Sanjay was having illicit relations with one Purnima and this was the cause of ill-treatment to the deceased. In the FIR, the allegations against the present applicants are not only most general but also are vague in nature.

Since all the allegations are against the husband of the deceased and there are no specific accusations against any of the present applicants, in my view, the applicants have made out a prima facie case in their favour. Further, this Court had on 21.09.2017 granted ad interim protection in favour of the present applicants with a direction that they shall attend the investigating officer on 23.09.2017, 24.09.2017 and 25.09.2017. They were directed to remain present with the investigating officer from 02.00 p.m. to 05.00 p.m. According to the learned counsel for the applicant, the

applicants have followed the said direction. Even the said statement is not controverted by the learned A.P.P.

In that view of the matter, the present application is allowed. Ad interim order dated 21.09.2017 stands confirmed.

The application stands disposed of.

JUDGE

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