

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

CRIMINAL APPLICATION (ABA) NO.720 OF 2017

1. Vijay Prakashsingh Thakur
2. Khushbu Vijay Thakur,
Both R/o Chandmari Khamgaon, Tq. Khamgaon, Dist. Buldana

-vs-

State of Maharashtra, Thr. PSO, PS City Police Station, Khamgaon, Dist. Buldana

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Abhay Bhide, Advocate for applicants.
Ms Geeta Tiwari, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 07, 2017

Heard.

At the outset learned counsel for the applicants, on instructions, states that applicant No.1 does not desire to prosecute the present application. It is submitted that he may be granted time to appear before the Investigating Officer. Statement accepted.

Applicant No.1 Vijay Prakashsingh Thakur shall appear before the Investigating Officer on 14/11/2017.

Applicant No.2 apprehends her arrest in connection with Crime No.356/2017 registered at City Police Station, Khamgaon, punishable under Sections 498-A, 306 read with Section 34 of IPC.

As per the First Information Report, the applicant No.1 was married with one Sharda in the year 2010. As that

marriage was not consummated, it is stated that Sharda was being harassed by her husband and in-laws. On 29/06/2017, applicant No.1 married applicant No.2. As a result of the second marriage, Sharda consumed poison and succumbed to death. Hence the report came to be lodged.

It is submitted on behalf of applicant No.2 that the only allegation against her is that she had married the applicant No.1. There are no other allegations made against her and hence there was no reason to implicate her in the said offence.

The application is opposed by the learned Additional Public Prosecutor by relying upon reply. It is submitted that applicant No.2 was responsible for Sharda committing suicide.

Perused the First Information Report as well as the statements recorded. Prima facie I find there is no material against the applicant No.2 so as to deny protection to her. The offence as alleged is against applicant No.1 and his relatives. A case has therefore been made out for grant of protection to the applicant No.2.

Hence in the event of arrest of applicant No.2 Khushbu Vijaysingh Thakur in connection with Crime No.356/2017 registered at City Police Station, Khamgaon, punishable under Sections 498-A, 306 read with Section 34 of IPC, she shall be released on bail on furnishing PR Bond of Rs.20,000/- (Rupees Twenty Thousand) with one surety in the like amount.

The applicant No.2 shall co-operate with the investigation and shall not take any steps to influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed in respect of applicant No.2 and disposed of.

JUDGE