

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 985 of 2017
[Prakashsingh Gopalsingh Thakur & others Vs. State of Mah., Khamgaon
City PS, Distt. Buldana]

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

Court's or Judge's orders

Mr. A. V. Bhide, Adv., for the applicants.
Ms.s Geeta Tiwari, APP for non-applicant.

CORAM : A.S. CHANDURKAR, J.

DATE : 03rd November, 2017

The applicants who have been arrested on 13th September, 2017 in connection with Crime No. 356/17 registered at Khamgaon City Police Station, Khamgaon, Distt. Buldana, for the offences punishable under Sections 498-A and 306 read with Section 34 of Indian Penal Code, seek their release on bail.

As per the report dated 13th September, 2017 lodged by one Daleshwari, her daughter was married with one Vijaysingh, son of applicant no.1 and brother of applicant nos. 2 and 4. This marriage took place on 17th June, 2010. Though, initially, her daughter was treated well, Vijaysingh contracted another marriage in June, 2017 as the earlier marriage was not consummated. Her daughter consumed poison and subsequently died.

It is submitted on behalf of the applicants that

the report as lodged contains general statements of ill-treatment against the present applicants. The applicant nos. 2 and 4 were residing separately as they were the married sisters. Even in the Dying Declaration, the cause given is the second marriage of Vijaysingh. As no further investigation is now contemplated, it is prayed that applicants be released on bail.

The application is opposed by filing reply. It is submitted that the statements of the relatives of the deceased indicate ill-treatment at the hands of the applicants. The present applicants used to instigate Vijaysingh for ill-treating the deceased and considering the nature offence, the application deserves to be rejected.

Perused the First Information Report as well as police papers.

The Dying Declaration recorded on 4th September, 2017 refers to second marriage being contracted by Vijaysingh as the cause for consuming poison. The statements of the relatives of the deceased refer to instigations given by applicants for ill-treating the deceased as the marriage was not consummated.

I find that the applicant no.1 is the father-in-law of the deceased while applicant nos. 2 and 4 are the married sisters. In the light of Dying Declaration dated 4th September, 2017, a case has been made out for

releasing the applicants on bail.

Hence, the applicants who have been arrested pursuant to Crime No. 356/17 registered at Khamgaon City Police Station, Khamgaon, Distt. Buldana, for the offences punishable under Sections 498-A and 306 read with Section 34 of Indian Penal Code, are directed to be released on bail on furnishing a Personal Bond of Rs. 20,000-00 [rupees twenty thousand only] each and one surety each in the like amount. The applicants after their release on bail shall co-operate with further investigations as well as in the conduct of trial. They shall not take any steps to influence the prosecution witnesses.

The observations made in this order are only for deciding the bail application, which is allowed and disposed of.

Hamdast is granted.

Judge

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