

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

CRIMINAL APPLICATION (ABA) NO.808 OF 2017

Bhagyashree w/o Bhalchandra Bhivsenkar, Near Sharda Chowk, Timki, Near Mahajan Ration
Stores, Nagpur

-vs-

State of Maharashtra, Thr. PSO, PS Tehsil, Dist. Nagpur

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

Court's or Judge's Orders.

Shri P. S. Jaiswal, Advocate for applicant.
Ms Geeta Tiwari, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.
DATE : November 30, 2017

Heard.

The applicant apprehends her arrest in connection with
Crime No.304/2017 registered at Police Station Tahsil, Dist.
Nagpur for the offence punishable under Section 306 of the
Indian Penal Code.

As per the First Information Report dated 23/10/2017
lodged by maternal uncle of Aniket, it is stated that Aniket's
father had contracted a second marriage with the present
applicant. On 08/12/2016, the informant got a phone call
that Aniket was not well and was required to be hospitalised.
It was subsequently found that Aniket was admitted in hospital
and thereafter he died of consuming poison.

It is submitted on behalf of the applicant that she has
been implicated only on the ground that she was the
stepmother of Aniket. The statements recorded do not

indicate any adverse material against her on the aspect of abetment. Considering the fact that the incident occurred in December 2016 and investigation is almost complete, the custodial interrogation of the application is not necessary.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that some statements recorded indicate that the said boy was not given food by the applicant after which he consumed poison.

Perused the police papers and the reply. The statements of relatives indicate that the applicant is the stepmother of said boy. It is stated that as he was not given food on that day, he consumed poison. Statement of the present applicant has been recorded. Similarly, investigation is also almost complete. There is no reason for seeking custodial interrogation of the applicant. She can be instead directed to co-operate with the investigation.

Accordingly, in the event of applicant's arrest in connection with Crime No.304/2017 registered at Police Station Tahsil, Dist. Nagpur for the offence punishable under Section 306 of the Indian Penal Code, 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 shall co-operate with the investigation. She shall attend the concerned Police Station as and when directed. No steps be taken to influence the prosecution

witnesses.

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

Pending misc. applications are also disposed of.

JUDGE