

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 876 OF 2018

1 Arun Hanmant Khude.
2 Ratan Arun Khude. ..Applicants.

V/s.

State of Maharashtra. ..Respondent.

Mr. Rahul Keshav Dhaygude, advocate for applicants.

Mr. Y.Y. Dabake, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JUNE 29, 2018.

P. C. :

1 Heard the learned Counsel for the applicants and the learned
APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1908. The applicants herein are arrested on 29/11/2017 in Crime No. 309 of 2017 at Phaltan Police Station for offence punishable under section 302, 510, 498A read with section 34 of the Indian Penal Code. The applicants happen to be the father-in-law and mother-in-law of deceased Urmila. Investigation is completed and charge-sheet is filed.

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2 It is the case of prosecution that on 27/11/2017 Urmila was admitted in Lifeline Hospital, Pune with injuries on her person. Her parents were called to the hospital. They had seen that Urmila had sustained grievous injuries on her head and the said injuries were sutured. The father of Urmila namely Dnyaneshwar Tupe lodged a report at the police station alleging therein that Urmila is married to Navnath, son of the present applicants. That she was a mother of two children namely, Rutuja who is 5 years old and Baburao who is 4 years old. They had questioned grand-children about history of assault on Urmila and they were informed that Navnath had assaulted her on her head in a state of intoxication. Initially, offence was registered under section 326, 510 of the Indian Penal Code. Urmila had succumbed to the said injuries on 29/11/2017 in Sassoon Hospital and thereafter, Section 302 of the Indian Penal Code was added and the applicants were arrested. It is alleged that Urmila was meted with harassment and cruelty at the hands of the present applicants.

3 Dead body of Urmila was sent for autopsy and cause of death is head injury. Column 17 also indicates that Urmila had sustained injury on her head and another lacerated wound on the parietal region. Internal injuries are corresponding to the external injuries.

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4 It is also a matter of record that the incident had occurred at about 3.30 a.m. while she was in exclusive custody of her husband and therefore, according to the learned Counsel for the applicants, the present applicants cannot be held liable for an offence punishable under section 302, 510 of the Indian Penal Code. They would be charge-sheeted for an offence punishable under section 498A of the Indian Penal Code.

5 In view of the role attributed to the present applicants, the post mortem notes and the fact that at the time of incident, Urmila was in exclusive custody of her husband Navnath, the applicants deserve to be enlarged on bail.

6 However, the observations are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be considered for discharge or at the time of trial.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicants be enlarged on bail on furnishing P.R. Bond in

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the sum of Rs. 25,000/- each with one or more solvent sureties in the like amount.

(iii) The applicants shall not tamper with the evidence.

8 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]