

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

CRIMINAL APPLICATION (ABA) NO.517 OF 2018

(Sanjay s/o Vinayakrao Bhande and others ..vs.. State of Maharashtra, through its PSO, PS Akot File,
Akola)

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

Court's or Judge's orders

Shri S.A. Mohta, Counsel for the applicants,
Shri V.A. Thakare, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 25-07-2018

The applicants are apprehending arrest in Crime 154/2018 registered with the Akot File Police Station, Akola for offences punishable under Sections 306 and 498-A read with Section 34 of the Indian Penal Code.

2. The offence is registered on the basis of the first information report dated 24-4-2018 lodged by the father of the deceased.

3. Applicant 1 is the husband of the deceased, applicants 2 and 3 are the brothers-in-law of the deceased and applicant 4 is her father-in-law.

4. Concededly, the death is due to consumption of poison. The deceased took the extreme step after eight years of marital life. She has left behind two daughters aged 6 years and 4 years.

5. Perusal of the first information report would suggest, at least *prima facie*, that the bone of contention was land admeasuring 2 acres which applicant 4 allegedly handed over to the deceased for cultivation. The accusation against the two brothers-in-law is that they prevented the deceased from cultivating the said land. The other allegation is that the members of the matrimonial family of the deceased would taunt her since she gave birth to two daughters. The allegations are general and bereft of particulars. It is not expected to minutely evaluate the material and to make any decisive observation on the case of the prosecution. But then since reasons must be recorded, however, briefly this Court is impelled to observe that from the contents of the first information report the case of the prosecution that the deceased was subjected to cruelty within the meaning of Explanation (a) or (b) of Section 498-A of the Indian Penal Code appears to be debatable, if not doubtful.

6. In the light of the accusations and the material on record, this application shall have to be allowed.

7. The interim order dated 11-7-2018 is confirmed with the modification that the applicants shall report at Akot File Police Station, Akola as and when required to do so by the Investigating Officer.

JUDGE