

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.688/2018

Sushilabai Premdas Pawar and another

..Vs..

The State of Maharashtra, through Police Station Officer, Police Station,
Jaulka, Tah. Malegaon, Distt. Washim

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

Court's or Judge's orders

Shri Y.S. Gorle, Advocate for the applicants.
Shri N.B. Jawade, A.P.P. for the respondent / State.

CORAM : Z.A. HAQ, J.

DATE : 1.10.2018.

Heard.

Apprehending arrest in connection with Crime No.206/2018 registered by the non-applicant for the offence punishable under Sections 307, 498-A read with Section 34 of the Indian Penal Code, the applicants seek pre-arrest bail.

The crime is registered against the applicants and Dashrath Pawar on complaint filed by wife of Dashrath Pawar, the accusations being that on some trivial matter all the accused got infuriated and forcibly administered poison to the victim. The accusations are further to the effect that co-accused Dashrath had assaulted the victim by an iron pipe and the present applicants instigated Dashrath.

The learned Sessions Judge has rejected the application filed by the applicants observing that the medical report shows injuries on the person of victim

and also in the mouth of the victim and signs of application of force are reflected on record.

The applicant No.1 - Sushilabai, aged about 55 years, is mother-in-law of victim and applicant No.2 - Shobhabai, aged about 30 years, is wife of elder brother of Dashrath.

The application is opposed on the ground that investigation is still in progress and if the applicants are granted pre-arrest bail, they may pressurize the witnesses. It is further stated on behalf of the non-applicant that if the applicants are released on pre-arrest bail, there may be threat to life of victim.

In the application, which was filed by the applicants under Section 438 of the Code of Criminal Procedure before the Sessions Court, in paragraph No.5 it is stated that Dashrath and his wife had been residing separately, the applicant No.2 - Shobhabai and her husband are residing separately and the applicant No.1 - Sushilabai and her husband are residing separately. There is no counter to this stand of the applicants in the reply, which was filed by the investigating agency before the Sessions Court.

Be that as it may, considering the facts of the case, the nature of accusations against the applicants and as the applicants are women and any other crime / offence is not registered against them, following order is passed:

(i) In the event of arrest in connection with Crime No.206/018, the applicants be released on

executing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand) each and furnishing one solvent surety in the like amount for each of the applicant. The application is **allowed** accordingly.

CRIMINAL APPLICATION (APPP) NO.1645/2018

In view of the above order, the application for time to file certified copy of order dated 15th September, 2018 does not survive and is **disposed** accordingly.

JUDGE

Tambaskar.