

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

CRIMINAL APPLICATION (ABA) NO.928/2017

Gajanan s/o Shankar Bhosale ..vs.. The State of Maharashtra through PSO
Shirpur, Dist. Washim.

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

Court's or Judge's orders.

Ms S. Sarkar, Advocate for applicant.
Mr. M. K. Pathan, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 8, 2018

1. Heard Ms S. Sarkar, Advocate for applicant and Mr. M. K. Pathan, A.P.P. for non applicant-State. I have also perused the reply filed on behalf of the prosecution and also the investigation papers handed over to me by the learned A.P.P.

2. The applicant is apprehending his arrest in connection with Crime No.228/2017 registered with Police Station, Shirpur, Dist. Washim for an offence punishable under Sections 306, 498-A, 406, 323, 504 read with Section 34 of the Indian Penal Code.

3. The deceased is one Pallavi whose marriage was performed with Pramod. Pallavi committed suicide by hanging herself on 25.11.2017. The FIR is lodged by mother of the deceased by name; Jyoti Pipre on 02.12.2017. Though the FIR is lodged belatedly, she has given explanation as to why the report is lodged at a belated stage.

Prima facie, there cannot be any doubt in respect of lodging of the FIR at a belated stage.

4. The statements of Jyoti, mother of the deceased Vitthal, father of the deceased, recorded during the course of investigation, clearly show that nature of the accusation against the present applicants who are father in law and mother in law of the deceased are general in nature. Not only that, their statements show that the specific allegations are made against one Mohan Bhosle as responsible for giving ill treatment to the deceased resulting into commission of the suicide by her.

5. In view of the fact that the nature of accusations against the present applicants are not only general in nature but the specific allegations are against only Mohan, in my view, the present application can be considered favourably. This Court has granted ad interim relief on 26.12.2017 and directed the applicants to attend Police Station on 30.12.2017 and 31.12.2017. According to the learned counsel for the applicants, they have attended the Police Station and the said statement is not controverted by the learned A.P.P. Hence, following order is passed.

ORDER

- (i) Criminal Application No.928/2017 is allowed.
- (ii) In the event of arrest in connection with Crime No.228/2017 registered with Police Station, Shirpur, Dist. Washim for an offence punishable under Sections 306, 498-A, 406, 323, 504 read with Section 34 of the Indian Penal

Code, the applicant no.1-Gajanan s/o Shankar Bhosale and applicant no.2-Sau. Nandabai w/o Gajanan Bhosale be released on bail on they executing P.R. Bond in the sum of Rs.15,000/- each with one solvent surety each in the like amount.

(iii) The observations made in this order are prima facie in nature and they are made only for the limited purpose for considering the application for anticipatory bail. The learned trial Court shall not get influenced by any of the aforesaid observations.

The application stands disposed of accordingly.

JUDGE

kahale