

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

Criminal Application (ABA) No.300 of 2019
(Kusum Manohar Tayade and others .vs. State of Maharashtra, through
PSO PS Khamgaon City, Dist. Buldhana.)

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

Court's or Judge's orders.

Mr. P.S. Wathore, Advocate for Applicants.
Mr. A.D. Sonak, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : June 19, 2019.

The applicants herein who are seeking anticipatory bail in respect of FIR registered on 21.04.2019 concerning offences under Sections 498-A and 306 read with 34 of the Indian Penal Code, are the mother-in-law, sisters-in-law and brothers-in-law of the victim, who committed suicide. The accused no.1 in the present case is the husband of the deceased victim and it is reported that he is behind bars.

2. A perusal of the report leading to the registration of the FIR shows that the allegation made against the applicants is that they along with the main accused used to harass the deceased on demand of dowry and she was treated cruelly by them. The report mainly alleges that the accused no.1 used to ask for money from the deceased in order to satisfy his habit of drinking alcohol.

3. A perusal of the FIR shows that as against the

applicants a general allegation is made that they used to visit the house of the deceased and they used to assault her on frivolous issues. While naming the persons responsible for such harassment, it is significant that names of the applicant nos. 1 to 4 are stated along with the name of the main accused and insofar as applicant no.5 is concerned, it is stated that he is the husband of applicant no.4 whose name the complainant does not even know. The nature of the allegations made in the FIR appeared to be vague as against the applicants and there appears to be an attempt to rope in as many relatives of the main accused as possible. It is also relevant that the applicant no.1 (mother-in-law of the deceased) is a 72 years old lady, against whom allegations are also of vague nature.

4. Although the learned APP has opposed grant of anticipatory bail in the present case, this Court is of the opinion that looking to the nature of the allegations made in the FIR against the applicants and the assertion on their part that they live separately from the deceased, this Court is of the opinion that the present application deserved to be allowed.

5. In fact while issuing notice on 15.05.2019, this Court granted ad-interim relief of protection to the applicants in the following manner:

“In the meanwhile, in the event of the arrest of the applicants in Crime No.205 of 2019 registered at Police Station Khamgaon City, they shall be released on provisional bail subject to furnishing P.R. bond of Rs.20,000/- each and a

surety in the like amount. They are directed to cooperate with the investigation and to remain present before the Investigating Officer as and when required. They shall not tamper with the witnesses and the evidence."

6. Accordingly, the present application is allowed and the applicants are granted anticipatory bail in terms of and on the conditions stated in the order dated 15.05.2019 when ad-interim relief of protection was granted to the applicants. It is made clear that the applicants shall continue to cooperate with the investigation and further that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants.

JUDGE

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