

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

Criminal Application (ABA) No. 313 of 2019

Sheetal Vilas Labhane

Vs.

State Through P.S. City Chandrapur

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

Court's or Judge's orders

Mr. A.R. Rishi, Advocate for applicant.
Mr. V.P.Maldhure, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JUNE 26, 2019

The applicant herein is accused along with her brother for having driven the daughter of the complainant to commit suicide and hence offence under Section 306 of the Indian Penal Code has been registered.

2. The case of the prosecution is that the co-accused i.e. the brother of the applicant herein had given false promise of marriage to the deceased and that when meeting was arranged between the co-accused, who was accompanied by the applicant and the deceased, who had come with her mother, the deceased had asked for water and upon consumption of the same, she suffered from ill-health and eventually died. It is the case of the prosecution that the victim died by consumption of poison.

3. It is pointed out by the learned counsel for the applicant that initially a Merg was registered on the date of the incident but about 10 days thereafter at the behest of the complainant, aforesaid FIR was registered against the applicant and co-accused. On this basis, it is submitted that the complaint, leading to registration of FIR appears to be an after thought and that the applicant deserves to be granted relief in the present application.

4. The learned APP has opposed the grant of relief in the present application pointing out that further investigation is underway.

5. On 23/05/2019, the Court issued notice and granted ad-interim protection to the applicant in the following order.

“In the event of arrest of applicant Smt. Sheetal W/o Vilas Labhane in Crime No.343/2019 registered at Police Station, Chandrapur for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, she be released on interim bail on execution of Personal Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety of like amount on following conditions.

(a) The applicant shall make herself available before the Investigating Officer as and when called.

(b) The applicant shall not tamper with the evidence or the witnesses.”

6. Considering the fact that the FIR in the present case has been registered after delay of about 10

days and even in the said report leading to registration of FIR, the main allegation appears to be against co-accused, this Court is of the opinion that the present application deserves to be allowed.

7. Accordingly, the application is allowed and the applicant is granted bail on the same conditions on which she was granted ad-interim protection by order passed by this Court on 23/05/2019.

8. Needless to say that the applicant shall continue to co-operate with the investigating agency.

JUDGE