

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

CRIMINAL APPLICATION (ABA) NO.481/2019

Chetan s/o Santosh Kale and anr

..VS..

The State of Mah., thr. PSO PS Risod, Taluka Risod, District Washim

AND

CRIMINAL APPLICATION (ABA) NO.482/2019

Laxman Bajirao Kale and anr

..VS..

The State of Mah., thr. PSO PS Risod, Taluka Risod, District Washim

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

Court's or Judge's Order

.....
ABA No.481/2019

Shri A.V.Gupta, Senior Counsel for Applicants.

Shri S.S.Doifode, Addl.P.P. for the State.

Shri D.S.Amle, Counsel for Intervener.

ABA No.482/2019

Shri A.V.Gupta, Senior Counsel for Applicants.

Shri S.S.Doifode, Addl.P.P. for the State.

Shri D.S.Amle, Counsel for Intervener.

CORAM : V.M.DESHPANDE, J.

DATED : AUGUST 28, 2019.

1. These two applications for grant of anticipatory bail are taken up for hearing simultaneously and decided by this common order since these applications are arising out of Crime No.269/2019 registered with Risod Police Station, District Washim for offences under Sections 498-A , 304-B, 302, and 306 read with Section 34 of the Indian Penal Code.

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2. Heard learned senior counsel Shri A.V.Gupta for applicants in both these applications, learned Additional Public Prosecutor Shri S.S.Doifode for the State, and learned counsel Shri D.S.Amle for objector. Also, perused investigation papers produced before me by learned Additional Public Prosecutor.

3. Offence is registered against applicants in both these applications, along with Santosh Kale and Archana Kale, the father-in-law and mother-in-law of Deepali, the deceased, and Shyam Kale, the husband of Deepali. The husband, the father-in-law and the mother-in-law were arrested.

4. On 19.8.2019, this Court granted bail in favour of the father-in-law and the mother-in-law of deceased Deepali.

5. Applicants, in Criminal Application No.481/2019, are brother-in-law and sister-in-law of deceased Deepali. Whereas, applicants in Criminal Application No.482/2019 are grandfather-in-law and grandmother-in-law of deceased Deepali.

6. It is not in dispute that age of applicant No.1 in Criminal Application No.482/2019 is 85 years and applicant No.2 is 80 years.

7. Marriage between applicant No.2 with applicant No.1 (in Criminal Application No.481/2019) was performed on 28.3.2019, only.

8. The prosecution case is that Gajanan Khodke,

lodged a report with Risod Police Station, District Washim. As per report, marriage of Deepali, the deceased, was performed with Shyam, the co-accused, on 14.5.2017. Out of their wedlock, the couple was blessed with a child by name "Rudra." Deepali started co-habiting with Shyam along with others at her matrimonial house. According to reply, Shyam ill-treated Deepali on account of demand of money to the tune of Rs.70,000/- to purchase a plot at Washim. According to the prosecution case, applicants used to instigate Shyam to demand money. Allegation against applicants is, on their instigation Shyam used to beat Deepali, resultantly on 12.6.2019 Deepali was found in a burnt condition.

9. Statements of witnesses show that allegations against applicants are most general in nature. Specific allegation is against Shyam, the co-accused, who is already arrested. Marriage of Deepali, the deceased, with Shyam was performed in year 2017. Whereas, marriage between applicant Nos.1 and 2 in Criminal Application No.481/2019 was performed only in March 2019.

10. Now a days, it is noticed by the Court that there is a tendency to implicate all members of family in crime.

11. If allegations made against applicants are looked into, it would reveal that they are most general in nature and the said does not, in my view, require custodial presence of applicants. Consequently, I pass following order:

ORDER

(i) Criminal Applications are allowed.

(ii) In the event of arrest of Applicants Chetan s/o Santosh Kale, Pratibha w/o Chetan Kale, Laxman Bajirao Kale, and Suman w/o Laxman Kale, in connection with Crime No.269/2019 registered with Risod Police Station, District Washim for offences under Sections 498-A , 304-B, 302, and 306 read with Section 34 of the Indian Penal Code, they be released on bail on they executing P.R.Bond in the sum of Rs.10,000/- by each of them with one solvent surety by each of them of the like amount.

(iii) Only applicant No.1-Chetan s/o Santosh Kale, in Criminal Application No.481/2019, is directed to attend the police station from 1.9.2019 to 9.9.2019 and shall be with Investigating Officer from 11:00 a.m. to 5:00 p.m.

(iv) Subsequently, applicant No.1-Laxman is directed to remain present in the police station as and when he is called by Investigating Officer and for that Investigating Officer shall give him 3 days written communication.

(v) With this, criminal applications are disposed of accordingly.

JUDGE

!! BRW !!