

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

CRIMINAL APPLICATION (BA) NO.715/2019

Santosh s/o Laxman 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

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Shri A.A.Gupta, Counsel for the Applicants.
Shri V.A.Thakare, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : AUGUST 19, 2019.

1. Heard learned counsel Shri A.A.Gupta for the applicants and learned Additional Public Prosecutor Shri V.A.Thakare for the State. Also, perused reply filed on behalf of the prosecution.

2. The applicants are father-in-law and mother-in-law of deceased Deepali whose marriage was performed on 14.5.2017 with Shyam. Deepali was found in a burnt condition on first floor of her matrimonial house on 12.6.2019. On very same day, Gajanan Shankar Khodke, father of deceased Deepali, lodged report with Risod Police Station, District Washim on the basis of which crime was registered against the present applicants and other co-accused persons vide No.0269/2019 for offences under Sections 498-A, 304-B, and 306 read with Section 34 of the Indian Penal Code.

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3. On the next day, another written report was lodged by Gajanan on the basis of which offence under Section 302 of the Indian Penal Code was added.

4. The bail application is primarily opposed by learned Additional Public Prosecutor Shri V.A.Thakare for the State that investigation is in progress and chargesheet is yet to be filed.

5. If reports dated 12.6.2019 and 13.6.2019 and reply filed by the prosecution are perused, it shows that allegation of demand of money is attributed to co-accused Shyam. Even, overt act of beating attributed to Deepali is also attributed to Shyam alone. Allegation made against the applicants is that they used to instigate their son Shyam for demanding money.

6. Learned Additional Public Prosecutor Shri V.A.Thakare for the State, submitted that though various statements are recorded during the course of investigation, there is no statement available in the prosecution case to show that there was any overt act on the part of the applicants either in respect of demand or in respect of beatings.

7. In this view of the matter, I am of the opinion that though chargesheet is not filed, the applicants are entitled to be released on bail. Hence, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant No.1-Santosh s/o Laxman Kale and applicant No.2-Archana w/o Santosh Kale, be released on bail in connection with Crime No.0269/2019 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 on executing of P.R.Bond in the sum of Rs.10,000/- by each of them with one solvent surety by each of them.

(iii) Applicant No.1-Santosh s/o Laxman Kale, is directed to attend the police station twice a week i.e. on every Thursday and Sunday between 3:00 p.m. and 5:00 p.m., till filing of chargesheet.

(iv) With this, the criminal application stands disposed of accordingly.

JUDGE

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