

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

CRIMINAL APPLICATION (ABA) NO.623/2019
Gulabchand s/o Chaitram Rahangdale and anr

..VS..

State of Mah., thr.PSO Goregaon, Tahsil Goregaon, District Gondia

.....
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 Virat Mishra, Counsel for Applicants.
Shri N.B.Jawade, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : SEPTEMBER 30, 2019.

1. Heard learned counsel Shri Virat Mishra for applicants and learned Additional Public Prosecutor Shri N.B.Jawade for the State.
2. Present applicants are father-in-law and mother-in-law of deceased Swati whose marriage was performed with their son Yogesh who is released on regular bail by this Court.
3. According to reply filed on behalf of the State, marriage of Swati, the deceased, with Yogesh was performed in the year 2013. Yogesh was having illicit relations with his sister-in-law and, therefore, ill-treatment was there at his hands to Swati. Yogesh demanded Rs.50,000/- for starting business. According to the reply, no role is attributed to applicants in respect of homicidal death of Swati. Even, reply is not elaborating any ill-treatment at the hands of applicants to Swati.
4. On 13.9.2019, this Court granted applicants

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interim protection in their favour that applicants shall attend Goregaon Police Station, tahsil Goregaon, District Gondia and shall be with Investigating Officer from 11:00 a.m. to 5:00 p.m. and shall extend full cooperation to Investigating Officer. According to learned counsel Shri Virat Mishra for applicants, accordingly applicants attended the police station and joined investigation and cooperated with Investigating Officer. Learned Additional Public Prosecutor Shri N.B.Jawade for the State, on instructions received from Investigating Officer, affirmed the said aspect.

5. Looking to the fact that there is no allegation insofar as offence under Section 302 of the Indian Penal Code against applicants and demand was made by co-accused Yogesh, in my view, custodial presence of applicants is not warranted. Hence, I pass following order:

ORDER

(a) The criminal application is allowed.

(b) In the event of arrest in connection with Crime No.160/2019 registered with Goregaon Police Station, tahsil Goregaon, District Gondia for offences under Sections 320, 498A read with Section 34 of the Indian Penal Code, applicant No.1-Gulabchand s/o Chaitram Rahangdale and applicant No.2-Parvata w/o Gulabchand Rahangdale be released on bail on they executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(c) Needless to mention that all observations made in this order are purely *prima facie* while deciding the present application for grant of pre-arrest bail and learned Judge of the Court below before whom Trial will be conducted shall not get influenced by any observations made in this order.

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

JUDGE

!! BRW !!

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