

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

CRIMINAL APPLICATION (BA) NO.1096/2019

Viay s/o Mahadevrao Mohod and anr. .vs. The State of Maharashtra
through SO P.S. Badnera, Dist. Amravati.

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

Court's or Judge's orders.

Mr. D. N. Mudgale, Advocate for applicants.
Mr. N. B. Jawade, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : DECEMBER 06, 2019

This is an application for regular bail. This application for regular bail is filed by father in law and brother in law of deceased Seema. They are arrested on 05.07.2019 and 02.07.2019 respectively in connection with Crime No.547/2019, registered with Police Station, Badnera, District Amravati for an offence punishable under Sections 306, 498-A, 201 read with Section 34 of the Indian Penal Code, which has ultimately culminated into Section 302 of the IPC, in view of findings recorded in post mortem report that death was due to throttling.

Heard Mr. Mudgale, learned counsel for applicants and Mr. Jawade, learned A.P.P. for non applicants-State. Also perused the reply and charge-sheet.

FIR is lodged by Bhagwan Chakranarayan, father of deceased Seema. The report would also show that marriage of deceased Seema was performed with accused no.1-Raju on 10.04.2012. From their wedlock, the couple was having one daughter and one son. Though for the first one year, Seema was treated nicely, thereafter her husband Raju got addicted to liquor and under the influence of liquor, he used to beat deceased mercilessly. The charge sheet and report would show that the allegation against the present applicants, prima facie, cannot travel beyond the offence punishable under Section 498-A of the Indian Penal Code.

In view of the fact that, prima facie, allegations against applicants do not travel beyond the offence punishable under Section 498-A of the IPC, though it will always be open for the prosecution to prove otherwise during trial, in my view, the applicants need not to continue their jail presence. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant no.1-Vijay Mahadevrao Mohod and applicant no.2-Ajay Vijayrao Mohod, be released on bail in connection with Crime No.547/2019, registered with Police Station, Badnera, District Amravati for an offence punishable under Sections 302, 201, 306, 498-A read with Section 34 of the Indian Penal Code, on they executing P.R. Bond in the

sum of Rs.15,000/- each with one solvent surety each in the like amount.

(iii) Applicants shall attend Police Station, Badnera, once in a month i.e. on third Saturday of every month and shall be with the investigating officer from 11.00 a.m. to 02.00 p.m., during the pendency of the trial.

The application is disposed of.

JUDGE

kahale