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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1011 OF 2020

AKASH KRISHNA SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND ANR.

...
WITH

ANTICIPATORY BAIL APPLICATION NO.1105 OF 2020

KRISHNA NAMDEO SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND ANR.

.....

Advocate for Applicants : Mr.VH Pathade & Mr. NS
Ghanekar, (in respective matters)
Mr. SY Mahajan, APP for Respondent-State.

CORAM : SMT.VIBHA KANKANWADI,J.
DATE : 7th December, 2020.

PER COURT:-

1. Both the applications arise out of the same crime and, therefore, they are proposed to be disposed of by this common order.

2. The applicants in both the applications are apprehending their arrest in connection with CR No.389/2020 dated 1.10.2020 registered with Badnapur, police station, District Jalna for the offences 498A, 306, 323, 504, 34 of IPC.

3. Heard learned Advocates and learned APP for respective parties.

4. In order to cut short, it is stated that all the concerned parties have made submissions in respect of their respective contentions. Learned APP has stressed for physical custody of the applicants for the purpose of investigation.

5. Perusal of the FIR would show that it is lodged by one Sumanbai Sahebrao Jadhav in respect of death of her daughter viz. Savita. Savita married to Krishna, who is applicant in ABA No. 1105/2020. Applicant in ABA No.1011/2020 is step-son of the deceased.

6. It has been contended that marriage of Savita with Krishna was performed on 10.4.2010, knowing fully well that Krishna had married earlier and had a son viz. Aakash. He had taken divorce from his earlier wife. According to the informant, Savita was treated properly for about two years from the date of her marriage. But, thereafter, Krishna used to assault her under influence of liquor and used to say that she is not good. Her parents-in-law as well as brother-in-law used to assault her on the count that she should bring money from her mother. However, it is to be noted that the informant also says that she has two

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daughters and one on from Krishna.

7. Taking into consideration these aspects, the story so put forth requires to be considered from that angle only. The informant further says that since two years prior to the FIR, Krishna was assaulting Savita on the count that she should bring money for construction of house. As against Aakash, the informant says that he used to harass Savita by saying that she should leave the house as he wants to bring his mother back. It is also contended that about 7 months prior to the incident, Savita had informed the informant that family members had asked her to bring an amount of Rs.2,00,000/-. With this kind of story, the informant says that the deceased was harassed. On 26.9.2020, Krishna had informed the informant that as Savita has consumed stale rice, she has vomited and, therefore, he is taking her to Jalna. When the informant went there, she came to know that Savita had consumed poison and then she has lodged the report.

8. Taking into consideration the allegations, physical custody of the applicants is not at all required for the purpose of

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investigation and, therefore, interim protection granted to the applicants on 5.11.2020, deserves to be confirmed and made absolute. Hence, following order, -

ORDER

- i. The Application stands allowed;
- ii. The order passed by this Court on 5.11.2020, thereby granting interim relief, is hereby confirmed and made absolute.
- iii. In the alternative, if the applicants are not arrested formally, in the event of arrest of the applicants in connection with CR No.389/2020 dated 1.10.2020 registered with Badnapur, police station, District Jalna for the offences 498A, 306, 323, 504, 34 of IPC. They be released on PR and SB of Rs.15,000/-.
- iv. The applicants shall not tamper with the prosecution evidence in any manner; shall cooperate with the investigation and remain present before the IO as and when directed, till filing of charge sheet.

(SMT. VIBHA KANKANWADI,J.)