

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

CRIMINAL APPLICATION (BA) NO. 425 OF 2020

Rambhau Maroti Khanpate and anr.

Vs.

State of Maharashtra

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

Shri S.D. Chande, Advocate for the applicants
Shri H.D. Dubey, APP for the State

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : DECEMBER 04, 2020.

Heard.

2. The applicants, who are the in-laws of the deceased-Usha are said to be arrested on 02/04/2020 in connection with Crime No. 149/2020 dated 02/04/2020 registered at Police Station Risod, District Washim for the offence punishable under Sections 302, 498-A, 201, 504 and 506 of the Indian Penal Code, 1860.

3. The allegations against the present applicants, as per the prosecution case, are that they alongwith their son i.e. husband of the deceased, in furtherance of their common intention committed murder of the deceased and her son-Kunal, aged around 6 years, by throwing them into well.

4. Learend Counsel for the applicants pointed out the statements of the father and the brother of the deceased, recorded under Sections 164 and 161 of Cr.P.C. and submits

that what has been stated in the FIR, has not been stated in the statement, recorded under Section 164 of the Cr.PC.

5. Learned Counsel for the applicants further submits that at the time of incident, the present applicants were not present on the spot and they have been falsely implicated in the case and prays for the bail.

6. Shri Dubey, learned A.P.P., strongly opposed the bail application and submitted that the statement of the brother of the victim and CDR of the mobiles of both of them would indicate that just before the incident, the deceased had called the brother and informed that the applicants and their son were harassing her since morning for dowry and also giving threats of life to throw her in the well. They were also taking doubt on her character.

7. From the perusal of the FIR and statement under Section 164 of the Cr.PC. of the informant, it appears that prior to the incident i.e. during lockdown, deceased and her husband with children had shifted to their house in the field. The statement does not reflect in clear terms that at the time of incident the present applicants were present at the spot of incident.

8. Applicant no. 2 is already on provisional bail and considering the ages of the applicants and the role attributed to them this Court is inclined to grant bail to the applicants, however, on stringent conditions. Hence, the following order :-

ORDER.

- i. The Criminal Application is **allowed**.
 - ii. The provisional bail granted by this Court on 27.08.2020 to applicant no. 2 – Sumanbai W/o Rambhau Khanpate is hereby confirmed.
 - iii. The applicant no. 1 - Rambhau Maroti Khanpate be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (rupees twenty five thousand) with one solvent surety in the like amount.
 - iv. The applicants shall not tamper with the prosecution evidence.
 - v. The applicants to attend the concerned police station on every first Thursday of each month between noon to 2.00 pm.
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9. The Criminal Application is disposed of accordingly.
 10. The aforesaid observations is only for granting bail to the applicant and it shall not come in the way of the trial Court during trial.

JUDGE