

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

CRIMINAL APPLICATION (BA) NO. 902 OF 2020

Rajendra s/o Haribhau Adalak
..vs..
State of Maharashtra, thr. P.S.O.

AND

CRIMINAL APPLICATION (BA) NO. 258 OF 2020

Smt. Yashoda w/o Haribhau Adalak
..vs..
State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri P.R. Agrawal, Advocate for applicants.
Shri S.D. Sirpurkar, A.P.P. for respondent-State.

CORAM : VINAY JOSHI, J.
DATED : 17/12/2020

Heard.

2. Both these applications are arising out of Crime No. 19 of 2020 registered with Shendurjana-Ghat Police Station, district Amravati for the offences punishable under Sections 302, 306, 498-A read with Section 34 of the Indian Penal Code. One application (B.A. 258/2020) is filed by mother-in-law- of deceased whilst another bail application (B.A.902/2020) has been filed by husband of deceased.

3. The bail is claimed on usual grounds with special emphasis that there is no evidence against the accused as well they are entitle for bail on the ground of parity. The State resisted bail by pointing towards seriousness of the

offence. It is argued that though initially a scene was created about suicidal death, however after autopsy, the case of throttling is made out, and therefore, having regard to the facts bail is opposed.

4. Father of deceased namely Dilip Mahalle lodged a report on 27.01.2020 alleging that the applicant and co-accused harassed deceased and due to said harassment she committed suicide. On reading the entire report, it reveals that the prime allegations were made against the father-in-law (released on bail) and mother-in-law (applicant Yashoda). It is specifically contended for more than one occasion that all the time father-in-law and mother-in-law have harassed deceased and they were responsible for the suicidal death. Pertinent to note that, in initial report absolutely there are no allegations against the husband of deceased (applicant-Rejendra). Supplementary statement of informant dated 21.09.2020 was gone into. There appears to be similar allegations against parents-in-law of deceased but at the bag end general allegation was made against the husband. Statements of mother, brother and sister of deceased were are on similar line. It reveals that since in autopsy report regarding throttling was given, the offence punishable under Section 302 of the Indian Penal Code was added. There is no material besides medical opinion to *prima facie* suggest the case of homicidal death.

5. Father-in-law of deceased has been released on bail by the Sessions Court in Criminal Bail Application No. 516 of 2020 whilst brother-in-law has been released by the Sessions Court in Criminal Application No. 600 of 2020. Notably, similar allegations are against father-in-law

and mother-in-law i.e. applicant Yashoda. The reasons assigned by Sessions Court for release of father-in-law appears to be just and proper. In the circumstance mother-in-law is well entitle to claim benefit of Rule of Parity. Besides that, the allegations against husband are not of that much grave like father-in-law and mother-in-law and therefore, he would also avail the benefit of Rule of parity.

6. Already investigation is complete and charge-sheet has been filed. Both applicants have faced custodial interrogation. In the circumstance, there is no potential reason to deny the claim of bail. In view of that, following order is passed :

- (a) Criminal Application No. 258 of 2020 and Criminal Bail Application No. 902 of 2020 stands allowed.
- (b) Both applicants namely Rajendra s/o Haribhau Adalak in Criminal Application No. 902 of 2020 and Smt. Yashoda w/o Haribhau Adalak in Criminal Application No. 258 of 2020 are released on bail on their furnishing P.R. bond of Rs.15,000/- each with one surety in the like amount.
- (c) The applicants shall not tamper with the prosecution evidence.

7. Both Criminal Applications are allowed and disposed of accordingly.

JUDGE