

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

CRIMINAL APPLICATION (ABA) NO. 718 OF 2020

(Seema Sandip Aware and another ..vs.. State of Maharashtra, through PSO, Ansingh)

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

Court's or Judge's orders

Mr. A.M. Jaltare, Counsel for the applicants,
Mrs. S.S. Jachak, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 09-12-2020

Mrs. Rekha unfortunately died on 16-10-2020 and according to the prosecution, she committed suicide by jumping in the water tank.

2. On the next day, her father lodged report on the basis of which as many as five persons of the husband's family are implicated in offences punishable under Sections 304-B, 306, 498-A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. The applicants are the married sisters of Mrs. Rekha's husband, who is also a co-accused.

4. Perusal of the material on record shows that it is difficult to hold that the allegations make out a case of abetment. This of course is a *prima facie* observation.

5. Pertinently, the husband of the deceased was

arrested and produced before the learned Magistrate and the Investigating Officer did not seek his custody. Obviously, the Investigating Officer did not find it necessary to custodially interrogate the husband of the deceased. No case is made out for custodial interrogation of the present applicant.

6. Considering the nature of the accusations which are extremely vague and general, and the fact that custodial interrogation is not necessary, the interim protection granted vide order dated 20-11-2020 is made absolute on the same conditions.

JUDGE

adgokar