

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

CRIMINAL APPLICATION (ABA) NO. 848 OF 2019

Gopal Tulshiram Ambilkar and others .Vs. State of Maharashtra, through
P.S.O., P.S. Mana, Tal. Murtizapur, Dist. Akola.

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

Court's or Judge's orders.

Mr. Sumedh Kadam, Advocate for applicant.
Mr. M.J. Khan, A.P.P. for non applicant-State.
Mr. J.S. Chiltra, Advocate for first informant.

CORAM : V. M. DESHPANDE, J.
DATED : JANUARY 04, 2020

CRIMINAL APPLICATION (APPP) NO. 1969 OF 2019

This is an application filed on behalf of the first informant for permission to assist the learned Additional Public Prosecutor.

The application is allowed, Mr. J.S. Chilotra, learned counsel is permitted to assist the learned Additional Public Prosecutor.

The application is disposed of.

CRIMINAL APPLICATION (ABA) NO. 848 OF 2019

Heard Mr. Sumedh Kadam, learned counsel for the applicant, Mr. M.J. Khan, learned Additional Public Prosecutor for non applicant-State and Mr. J.S. Chilotra, learned counsel assisting the prosecution.

The applicants are apprehending their arrest in connection with Crime No.197/2019 registered with Police Station, Mana, Tal. Murtizapur, Dist. Akola for an offence

punishable under Sections 498A, 306 read with Section 34 of the Indian Penal Code.

Applicant nos.1 and 2 are father-in-law and mother-in-law of Shweta, whereas applicant no.3 is her sister-in-law. Shweta's marriage took place with Swapnil, son of applicant nos.1 and 2 on 06.12.2016. She committed suicide by hanging herself on 13.11.2019. In view of the oral report lodged by Pralhad, father of Shweta, the crime is registered against the applicants and Swapnil.

First Information Report (FIR) would reveal that Swapnil and Shweta were in love with each other. They performed Court marriage. Report would show that after marriage within 2 to 3 days Swapnil along with Shweta went to Pune for service. The gravamen accusation against applicants in the FIR is that they used to obstruct Shweta from talking with her parents on cellphone. It is not the case of the prosecution that applicants used to stay at Pune with Shweta and Swapnil.

Nature of accusations against the applicants are most general in nature. *Prima facie*, it shows that applicants at no point of time, abetted the deceased to commit suicide. In that view of the matter, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.197/2019 registered with Police Station, Mana, Tal. Murtizapur, Dist. Akola for an offence punishable under Sections 498A, 306 read with Section 34 of the Indian Penal

Code, applicant no.1- Gopal Tulshiram Ambilkar, applicant no.2 – Smt. Pramila Gopal Ambilkar and applicant no.3- Smt. Rupali Nilesh Taywade, be released on bail on they executing P.R. bond in the sum of ₹10,000/- each, with one solvent surety each in the like amount.

(iv) Applicant no.1- Gopal Tulshiram Ambilkar alone is directed to attend Police Station, Mana, Tal. Murtizapur, Dist. Akola as and when called by Investigating Officer. However, for that the Investigating Officer shall give clear cut three days written communication to the applicant no.1.

The application is disposed of.

JUDGE

srwagh