

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

ANTICIPATORY BAIL APPLICATION NO. 569 OF 2021

1] Sau. Alka w/o Pratap Kumawat,
Age : 65 years, Occu. Household

2] Shri. Pratap s/o Sahadu Kumawat,
Age : 69 years, Occu. Agriculturist,

Both R/o. Pandurang Niwas, Kailas Nagar,
Bhadgaon Road, Chalisgaon, Tq. Chalisgaon,
Dist. Jalgaon.

...Applicants

Versus

The State of Maharashtra

...Respondent

.....
Smt. Rashmi Kulkarni, Advocate for the applicants
Shri. V. S. Badakh, APP for respondent / State
.....

CORAM : V. G. BISHT, J.

**DATE OF RESERVING THE ORDER : 13th AUGUST, 2021
DATE OF PRONOUNCING THE ORDER : 17th AUGUST, 2021**

PER COURT : -

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No. 0106 of 2021, registered with Chalisgaon Police Station, District Jalgaon, for the offences punishable under Sections 302, 201 read with 34 of the Indian Penal Code.

2. The present informant had filed a Miscellaneous Application No. 599 of 2021, wherein she alleges that she was married to Nilesh (since deceased) and the said marriage was not approved by the parents of the deceased. The deceased had told her that, it is his apprehension that his parents i.e. the applicants herein would try to kill him. She further alleges that, on 09.03.2020, deceased gave her a phone call which he had borrowed from a passer by and informed her that the applicants had locked him inside the house. When she reached the house of applicants on 13.03.2020, she came to know from the security guard about death of the deceased. Even she approached the Police Station but, since no response was given, she filed an application under Section 156(3) of the Code of Criminal Procedure before the concerned Magistrate, on the basis of which, the present FIR came to be registered.

3. Smt. Kulkarni, learned Counsel for the applicants, submitted that the deceased was the only son of the applicants. He was addicted to liquor and was under medical aid for years. He was suffering from Liver Cirrhosis and eventually died because of Liver Cirrhosis only. Learned Counsel also invited my attention to the medical papers to substantiate her submissions.

4. Shri. V. S. Badakh, learned APP, on the other hand, submitted that pursuant to the complaint made with the police, the concerned Police conducted an independent inquiry and ultimately came to the conclusion that the informant has no valid proof of marriage with the deceased and that the deceased died because of Liver Cirrhosis and thus, met a natural death. The learned APP has submitted that report for my perusal and I find the report in consonance with the submissions advanced by the learned APP.

5. Even the medical papers, particularly the medical certificate of cause of death of the deceased shows that the cause of death was 'Liver Cirrhosis'.

6. In the above facts and circumstances of the case, I find merit in the application and, therefore, I am inclined to allow the present application. Hence, the following order.

ORDER

- i] In the event of arrest of the applicants in connection with Crime No. 0106 of 2021, registered with Chalisgaon Police Station, District Jalgaon, for the offences punishable under Sections 302, 201 read with 34 of the Indian Penal Code, the

applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs. 20,000/- [Rs. Twenty thousand only] each, with one or two solvent sureties in the like amount.

7. The Criminal Application stands disposed of in above terms.

[V. G. BISHT]
JUDGE