

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

CRIMINAL APPLICATION (ABA) NO.63 OF 2021

(Kesarbai w/o Wamanrao Damare Vs. The State of Maharashtra thr. PSO PS
Tamgaon, Tq. Khamgaon, Dist. Buldhana)

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

Court's or Judge's orders.

Mr. P.K. Bezalwar, Advocate for Applicant.
Mr. M.K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 23rd FEBRUARY, 2021.

The applicant, is the mother-in-law of Mrs. 'P' who unfortunately died in unnatural circumstances on 26.01.2021.

2. The mother of the deceased lodged report dated 27.01.2021 alleging that her daughter was ill-treated in order to pressurize her to satisfy the dowry demand. The report implicates the husband, parents-in-law and brother-in-law of the deceased.

3. While the husband, the father-in-law and the brother-in-law have been arrested and are in judicial custody, the mother-in-law is seeking pre-arrest protection.

4. I have perused the material in the case diary. The prosecution contends that the marriage was solemnized

on 03.06.2014. The applicant contends that the date of the marriage is wrongly stated to attract the statutory presumption and the graver penal sections. It is pointed out that the child was born from the wedlock on 26.10.2014, which is substantiated by the birth certificate issued by the competent authority.

5. In any event, it does not appear that custodial interrogation is necessary. The applicant lady is not a flight risk. Considering the nature of the accusations, the investigation is not likely to be hampered if the applicant is protected. She was extended interim pre-arrest protection subject to the condition that she attends the concerned police station. She has attended the concerned police station, as directed.

6. The interim protection granted vide order dated 09.02.2021 is made absolute with the only modification that till the filing of the charge-sheet, the applicant shall attend the concerned police station as and when required by the Investigating Officer.

JUDGE