

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

CRIMINAL APPLICATION (ABA) NO.768 OF 2020

(Arun s/o Sanjay Rohankar and others Vs. State of Maharashtra thr. PSO PS
Hiwarkhed, Tah. Khamgaon, Dist. Buldana)

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

Court's or Judge's orders.

Mr. A.S. Tiwari, Advocate for Applicants.
Mr. N.R. Rode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 19th JANUARY, 2021.

The applicants are the members of the family of the husband of deceased, Mrs. Priti, who unfortunately died on 06.02.2020, within less than a month of her marriage with the younger brother of applicant 1 Arun.

2. The allegation is that Mrs. Priti was emotionally tortured to pressurize her to bring dowry, certain utensils and household goods.

3. I have perused the case diary and particularly the postmortem report and the further opinion of the doctor. The submission of the learned counsel for the applicants Mr. A.S. Tiwari that it is extremely doubtful whether the death was suicidal, and is likely to be a natural death, merits serious consideration. However, no opinion need be expressed, even a *prima facie* opinion on the cause of death since the issue is best left to the trial Court.

4. Adverting to the entitlement to the pre-arrest protection, I am satisfied that the applicants have made out a case for pre-arrest protection. The material in the charge-sheet does not indicate that the custodial interrogation of the present applicants is necessary. The son of the applicant is arrested and is in judicial custody. The Investigating Officer has filed the charge-sheet, albeit reserving the right to further investigate under section 178(3) of the Code of Criminal Procedure. Having noted thus, it does appear that the investigation is substantially complete. In any event, as observed *supra*, the custodial interrogation of the applicant – women is not necessary.

5. Considering the nature of the accusations and the material on record, the interim protection granted vide order dated 18.09.2020 is made absolute with the modification that till the charge-sheet is filed qua the present applicants, they shall attend the concerned police station, as and when required by the Investigating Officer.

JUDGE