

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

CRIMINAL APPLICATION (ABA) NO.270 OF 2022

Manikrao S/o Ramrao Ambhore and others

Versus

State of Maharashtra, through P.S.O., P.S. Pimpalgaon Raja, Tah. Khamgaon, Dist.
Buldhana

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri H.R. Gadhia, Advocate for the applicants.

Ms M.A. Barabde, A.P.P. for the non-applicant/State.

Shri Zeeshan Haq, Advocate for Assist to prosecution.

CORAM : ANIL S. KILOR, J.

DATED : 17/06/2022

1. The applicants are seeking pre-arrest bail in Crime No.91 of 2022, dated 02.04.2022, registered with Police Station Pimpalgaon, District: Buldhana, for the offences punishable under Sections 304-B, 306 and 498-A read with Section 34 of the Indian Penal Code.

2. Shri Gadhia, learned counsel for the applicants submits that the applicant No.1 is the father-in-law, applicant No.2 is mother-in-law and the applicant Nos.3 and 4 are the brothers-in-law of the deceased. It is submitted that they have been falsely implicated in the alleged offence.

3. He further submits that the custody of the applicants is not necessary. As this Court while granting *ad-interim* anticipatory bail on 20.04.2022, has observed that the applicants shall attend the concerned Police Station as and when their presence is required. However, in the last two months, the Police had never called the applicants for investigation.

4. It is submitted that on their own, the applicants have attended the Police Station. Accordingly, he prays for grant of anticipatory bail.

5. On the other hand, Ms Barabde, learned APP opposes the present application and submits that there was continuous harassment at the hands of the deceased and as the offences is serious, custodial interrogation of the applicants is necessary. Accordingly, she prays for rejection of this application.

6. Shri Haq, learned counsel, who is assisting the prosecution on behalf of the complainant submits that within one year of the marriage, the deceased committed suicide because of continuous harassment at the hands of the accused persons.

7. He further submits that though in the application, the applicants have stated that they are residing

separately, the address on their Aadhar Card shows contrary. Accordingly, he submits that the present application may be rejected.

8. I have perused the Case Diary and also the contents of the First Information Report (FIR).

9. *Prima facie* no specific role is attributed to any of the applicants. In the FIR, general allegations of harassment are there. As far as, custody of the applicants for investigation is concerned, in last two months the Police have never called the applicants for investigation, though, while granting *ad-interim* anticipatory bail on 20.04.2022, it was observed by this Court that whenever the presence of applicants is required, they shall be called by the concerned Police Station.

10. As it can be seen from the above fact, custody of the applicants is not necessary, I am of the opinion that the applicants are entitled for pre-arrest bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 20.04.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicants

shall attend the concerned Police Station on 28th, 29th and 30th June, 2022 between 10.00 a.m. to 12.00 noon and therefore, as and when their presence is required.

- c) The applicants shall not tamper with the prosecution witnesses.
- d) The applicants shall not leave the jurisdiction of the concerned Police station without permission of the Court.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]