

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

CRIMINAL APPLICATION (ABA) NO.473 OF 2022

Shahnazbano alias Sona W/o Abdul Aziz and another

Versus

State of Maharashtra, through P.S.O., P.S. Akot File, Akola

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

Court's or Judge's Order

Shri N.R. Tekade, Advocate for the applicants.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

Shri Omkar Ghare, Advocate for the non-applicant No.2/victim.

CORAM : ANIL S. KILOR, J.

DATED : 15/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.306 of 2022, dated 10.05.2022, registered with Police Station Akot File, District: Akola, for the offences punishable under Sections 498-A and 306 read with Section 34 of the Indian Penal Code.

2. Shri Tekade, learned counsel for the applicants submits that if the allegations are perused, the same are made against the brother-in-law of the deceased whereas, except the general allegations that the applicant No.1 who is the mother-in-law and applicant No.2 who is the sister-in-law of the deceased, had instigated the husband and the brother-in-law of the deceased, no other allegations are there.

3. He submits that there is nothing to show any involvement of the applicants in the alleged offence.

4. Shri Tekade, learned counsel for the applicants submits that applicant No.1 is a 65 years old lady and the applicant No.2 is the sister-in-law of the deceased. The address of the applicant No.2 is not the same as of the deceased. Accordingly, he submits that the applicants have been falsely implicated in the alleged offence, as such he prays for grant of bail.

5. It is submitted that considering the allegations made in the FIR custodial interrogation of the applicants is not necessary.

6. On the other hand, Shri Sirpurkar, learned APP opposes the present application and submits that the allegations against the applicants are that they instigated the husband and brother-in-law of the deceased. Thus, he submits that there is sufficient incriminating material against the applicants. Accordingly, he prays for rejection of the present application.

7. Shri Omkar Ghare, learned counsel for the non-applicant No.2/victim has strongly opposes the application and reiterates the submission of the learned APP and he also prays for rejection of the present.

8. I have perused the Case Diary, First Information Report (FIR) and reply of the State.

9. From the Case Diary, it can be seen that the general allegations of instigation are made against the applicants. There are no specific role is attributed against the applicants, except the above referred allegation.

10. Though the applicants are women and considering the age of the applicant No.1 and further considering the fact that the address of the applicant No.2 is different to the address of the deceased where she used to reside, I am of the opinion that custodial interrogation of the applicants is not necessary. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 01.07.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicants shall attend the concerned on 19th, 20th and 21st July, 2022 between 10.00 a.m. to 12.00 noon and thereafter, 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.]