

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

CRIMINAL APPLICATION (ABA) NO.629 OF 2022

(AMRUT GULAB GADLING & 2 OTH....VS.. STATE OF MAH. THR. PSO PS CHANDUR RAILWAY,
DISTT. AMRAVATI)

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

Court's or Judge's orders

Shri C.B.Barve, Advocate for Applicants.
Shri S.D.Sirpurkar, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : SEPTEMBER 05, 2022.

1. Heard.
2. By this application under Section 438 of the Code of Criminal Procedure the applicant is seeking pre-arrest bail in Crime No.430 of 2022, registered with Police Station, Chandur Railway, Amravati for the offences punishable under Sections 306, 323, 498-A, 504 read with Section 34 of the Indian Penal Code, 1860.
3. The learned counsel for the applicants submits that the applicants have been falsely implicated in the alleged offence. It is submitted that the applicant Nos. 1 and 2 are the father-in-law and mother-in-law, respectively, whereas, the applicant No.3 is brother-in-law of the deceased. He, therefore, submits that the applicants be released on the pre-arrest bail.
4. The learned A.P.P. strongly opposed the application and submits that mother of the deceased lodged the complaint to Police Station, Chandur Railway

on 21/03/2022 against the applicant No.3 and husband of the deceased, alleging that they assaulted the mother of the deceased. He submits that after the lodgment of the said report there was continuous harassment meted out to the deceased to pressurize the deceased to get the said F.I.R. withdrawn by her mother. It is submitted that the applicant could not sustain the pressure and she committed suicide. He submits that there is sufficient material against the applicant No.3. He, therefore, submits that in the F.I.R. there are allegations against the applicant Nos.1 and 2 that they used to harass the deceased. Accordingly, he prays for dismissal of the present application.

6. I have perused the case diary and the application.

7. From the case diary, it can be seen that the F.I.R. came to be lodged at the instance of mother of the deceased in respect of the incidence dated 21/03/2022 alleging that the husband of the deceased and the applicant No. 3 assaulted the mother of the deceased by brick. After lodgment of the said report, *prima-facie* it appears that there was continuous harassment to pressurize the deceased to ask her mother to withdraw the said complaint. Thus, there is incriminating material against the applicant No.3.

8. As far as applicant Nos. 1 and 2 are concerned, applicant No.1 is 73 years old and applicant No.2 is 66

years old and the allegations against them are vague and general.

9. Thus, in the above referred backdrop, I am not inclined to grant bail to applicant No.3. Whereas, I am of the opinion that the applicant Nos. 1 and 2 are entitled for grant of pre-arrest bail. Accordingly, I pass the following order:

- i) The application, *qua* the applicant No.1-Amrut Gulab Gadling and applicant No.2-Vijaykala Amrut Gadling, is **allowed**.
- ii) The application *qua* the applicant No.3-Dhiraj Gulab Gadling is **rejected**.
- ii) The order dated 24/08/2022, granting ad-interim bail *qua* the applicant No.1-Amrut Gulab Gadling and applicant No.2-Vijaykala Amrut Gadling is confirmed.
- iii) The applicant Nos. 1 and 2 shall attend the concerned Police Station as and when their presence is required.

The Criminal Application is **disposed of** accordingly.

JUDGE