

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

CRIMINAL APPLICATION (ABA) NO.842 OF 2021

(PRAKASH GANPATRAO GURMULE....VS.. STATE OF MAH. THR. PSO PS HUDKESHWAR,
NAGPUR.)

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

Court's or Judge's orders

Shri U.P.Dable, Advocate for Applicants.
Shri M.J.Khan, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : MARCH 10, 2022.

1. Heard.
2. This Court on 07/12/2021 granted ad-interim anticipatory bail to the applicants who are father-in-law and mother-in-law of the complainant. The dispute arose out of matrimonial discord. The allegations are of ill-treatment on the ground of demand of money. As far as the applicants are concerned, against them the allegations are that they tried to strangle the complainant by means of a scarf and because of which she became unconscious and when she gained consciousness she was in the hospital.
3. Shri Dable, learned counsel for the applicants submits that the applicants are old aged persons and they have been unnecessarily roped in the alleged offence on the false allegations that they tried to strangle the complainant. It is further submitted that, except few

dates, applicants have attended the Police Station, as per the condition for grant of ad-interim anticipatory bail to the applicants and they have not misused the liberty.

4. On the other hand, the learned A.P.P. strongly opposed the present application and submits that the allegations are serious and Section 307 of the Indian Penal Code has been applied against the accused persons, including the applicants. He, therefore, prays for rejection of the present application.

5. After going through the case diary and on perusal of the contents of the First Information Report, *prima-facie* I am of the opinion that the allegations are not sufficient to say that there was any intention of the applicants, which would attract the offence punishable under Section 307 of the Indian Penal Code. Moreover, the applicants have attended the Police Station and there is no complaint about misuse of liberty by the applicants.

6. In that view of the matter, I am of the opinion that the custody of the applicants is not necessary. Hence, I pass the following order:

- i) The application is allowed.
- ii) Order dated 07/12/2021, granting ad-interim anticipatory bail to the applicants, is confirmed with

modification that the applicants shall attend the Police Station as and when their presence is required.

The application stands **disposed of** accordingly.

JUDGE

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