

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

CRIMINAL APPLICATION (ABA) NO. 729 OF 2022

Dashokabai @ Dashbai Dashrath Jadhao.Vs. State of Maharashtra

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

Mr I. M. Ghongade, Advocate for the applicant
Mr S. D. Sirpurkar, APP for State

CORAM : G.A. SANAP, J.

DATE : NOVEMBER 9, 2022.

Heard.

2. The applicant who is an accused No. 3 apprehends arrest in Crime No. 516 of 2022 for the offences punishable under Sections, 306, 498-A, 506 r/w. Section 34 of the Indian Penal Code registered at Aarni police Station, District Yavatmal and therefore, she has approached this Court for anticipatory bail. The deceased was the daughter-in-law of the applicant. It is the case of the prosecution that she was subjected to ill-treatment and cruelty. As a result of ill-treatment and cruelty she committed suicide on 07.06.2022. It is the case of the applicant that false case has been filed. The allegations made in the FIR are general in nature. The investigation is at the stage of completion. The detention of the applicant is not warranted for custodial interrogation. The applicant is ready to co-operate the police. The applicant is ready to abide by the conditions that may be imposed by the Court.

3. The learned APP has opposed the application. It is contended that voluminous evidence has been collected during the course of investigation to attribute specific role to all the accused. The investigation is in progress. The possibility of tampering with the prosecution evidence and threatening the prosecution witness cannot be ruled out, if protection, as sought for, is granted in favour of the applicant.

4. I have heard the learned Advocate for the applicant and learned APP for the State. Perused the record and proceedings.

5. In the above crime, there are five accused. The accused No. 1 is the husband of the deceased. The learned Advocate for the applicant has made a statement across the bar that accused No.1 has been released on bail because the charge-sheet was not filed within stipulated time. The learned Advocate further pointed out that the father-in-law, brother-in-law and the sister-in-law of the deceased, who are also arrayed as accused, have been granted anticipatory bail by this Court on 15.07.2022. It is submitted that the nature of the allegations against this applicant and remaining accused, who have been granted anticipatory are identical. I have perused the order passed on 15.07.2022 whereby anticipatory bail has been granted to three accused. In my view considering the similarity of the facts and the role attributed to the accused the similar order would be required to be granted in favour of the applicant. Besides, the investigation, as can be

seen from the case diary, has progressed. A bare perusal of the case diary would indicate that the custodial interrogation of the applicant is not necessary. The presence of the applicant for the purpose of interrogation and investigation can be secured by imposing the appropriate condition. In the facts and circumstances, I am inclined to grant the application. The criminal application is allowed. The order passed on 17.10.2022 granting ad-interim protection from arrest is confirmed on the same terms and condition.

6. The application stand **disposed of** accordingly.

(G. A. SANAP, J.)

Namrata