

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.317 OF 2023

Kaushalyabai w/o. Raghunath Aadhav
and ors.

..Applicants

Vs.

The State of Maharashtra and ors.

..Respondents

Ms.Varsha S. Ghanekar, Advocate h/f. Mr.N.S.Ghanekar, Advocate
for applicants

Mr.K.N.Lokhande, APP for respondents

**CORAM : R.G. AVACHAT, J.
DATE : APRIL 03, 2023**

PER COURT :-

This is an application for anticipatory bail. The applicants claim to have apprehension of arrest in connection with Crime No.01 of 2023 registered with Bhokardan Police Station, Tq. Bhokardan, Dist. Jalna, for the offences punishable under Sections 302, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report ("FIR", for short) and the related papers.

3. The applicants are in-laws of deceased Kavita. The FIR has been lodged by the brother of deceased - Kavita. It is his case that Kavita's husband - Gajanan (arrested accused) and the applicants, in-laws of the deceased, would harass and illtreat her for one or the other reason. Even, a meeting was held between the family members of the two on 20.11.2022. As per the FIR itself, Gajanan had taken a premises on rent at Hasnabad and asked his wife Kavita to stay with him in the said room. As per the case of prosecution itself, both deceased Kavita and her husband Gajanan were staying together at Hasnabad, while the applicants were residing at some other places.

4. As per the case of prosecution, Kavita was murdered in a fake accident. Admittedly, her husband has been arrested. The one, who was driving the tractor which knocked down the deceased - Kavita, also has been arrested. Admittedly, none of the applicants were staying along with the deceased nor were in the company of the deceased or with the main accused Gajanan, at the material time. Even, as per the case of

prosecution, the deceased Kavita had called on the cellphone of Sarpanch - Haribhau Sable and one another, informing to have apprehension to her life at the hands of her husband Gajanan. Her apprehension proved true.

5. Learned APP would submit that there is calls detail record of the calls between Gajanan on one hand and his mother Kaushalyabai and Gangadhar, on the other. He meant to say that the main accused Gajanan had made phone calls to these persons from the scene of offence. It would be difficult to say what Gajanan has related to his mother Kaushalyabai and Gangadhar. He even might have made extra-judicial confession or might have told that the deceased met with accident. Mere phone calls between the main accused from the scene of offence to his mother and said Gangadhar would, in no way, favour the prosecution case to connect these two applicants with the offence of murder.

6. The fact remains, when Kavita was murdered, none of the applicants were staying along with her nor they were at

the scene of the offence or even around. There is, *prima face*, nothing to connect any of the applicants with the offence of murder of Kavita. The allegations against these applicants in the FIR pertain to offence under Section 498-A of I.P.C. and related offences.

7. In view of the above, the order dated 13.03.2023, granting interim protection to the applicants, is hereby made absolute. The application is allowed and disposed of.

8. The observations made herein above are *prima facie* in nature. The trial Court shall not be influenced thereby.

[R.G. AVACHAT, J.]

kbp