



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

966 ANTICIPATORY BAIL APPLICATION NO. 1020 OF 2024

1. Dhondiba Tola Kargal
2. Hausabai Dhondiba Kargal
3. Sunita @ Tai Balu Gore ...Applicants

Versus

1. The State of Maharashtra
2. The Superintendent of Police, Jalgaon ...Respondents

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Advocate for Applicants : Mr. Gajendra D. Jain

APP for Respondents: Mr. P.S. Patil

Advocate to assist the A.P.P. : Mr. Rahul Tambe

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**CORAM : SHIVKUMAR DIGE, J.**

**DATED : 29<sup>th</sup> AUGUST, 2024.**

**PER COURT :-**

1. The applicants apprehend arrest in connection with crime No.221 of 2024 registered with Jamkhed Police Station, district Ahmednagar, for the offences punishable under Sections 306, 498-A, 504, 506 r.w. 34 of the Indian Penal Code.

2. It is the prosecution's case that the informant's daughter had married with accused No.1 i.e. son of applicant Nos. 1 and 2 and brother of applicant No.3. After marriage, she was subjected to cruelty by the applicants and accused No.1. It is alleged that thereafter, accused No.1 deserted the daughter of the informant. During that period, accused No.1 performed second marriage.

Thereafter, second wife of accused No.1 deserted him. Hence, again accused No.1 and the applicants asked the informant's daughter to cohabit with accused No.1. It is alleged that when the informant's daughter went for cohabitation with accused No.1, the applicants and co-accused harassed the informant's daughter on the ground that she had illicit relations with one Balu Kokre. It is alleged that on 22.4.2024, the applicants and co-accused assaulted the informant's daughter and Balu Kokre. It is alleged that on 23.4.2024, the informant's daughter informed the informant that the applicants and co-accused are telling her that she should die or they will kill her. It is alleged that thereafter the informant came to know that his daughter died due to electric shock. On his report, the police lodged complaint against the applicants and co-accused under the above referred sections.

3. It is the contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicant No.3 is staying separately with her husband. The applicant Nos. 1 and 2 are old aged persons. The dispute was between the accused No.1 and the daughter of the informant. The applicants are not concerned with it. The accused No.1 has been arrested and he is behind bar. Considering the allegations against the applicants, their custodial interrogation is not required and requested to allow the

application.

4. It is the contention of the learned APP alongwith the learned counsel to assist the A.P.P. that the applicants harassed the daughter of the informant mentally and physically. Learned A.P.P. further submitted that the applicants and co-accused assaulted the informant on the previous day of the incident on the ground that she had illicit relations with one Balu Kokre. Learned A.P.P. further submitted that after lodging the complaint, the applicants insisted the informant to withdraw the case filed against them else they will kill him. It shows the nature of the applicants. Considering the allegations against the applicants, their custodial interrogation is required and requested to reject the application.

5. I have heard all the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicants are that they harassed the informant's daughter on the count that she had illicit relations with one Balu Kokre. Due to the said harassment, she committed suicide. The husband of the daughter of the informant has been arrested and he is behind bar. It appears from the record that the applicant No.3 is a lady and she stays separately. The applicant Nos. 1 and 2 are old aged persons. Considering the allegations against the applicants, their custodial

interrogation is not required and I pass the following order:-

**ORDER**

- (i) The application is allowed.
  
- (ii) The interim anticipatory bail granted to the applicants vide order dated 26.06.2024 stands confirmed on the same terms and conditions with following modification:-
  - a) the applicants shall not contact the informant or any prosecution witnesses.

**(SHIVKUMAR DIGE, J.)**

rlj/