



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1657 OF 2023

1. Shivaji S/o Tukaram Dhavale
2. Rajabai W/o Shivaji Dhavale ... Applicants

VERSUS

The State of Maharashtra
and another ... Respondents

.....
Mr. Sohail Subhedar, Advocate for the Applicants
Mr. N.B. Patil, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 07th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in connection with Crime No. 779 of 2023 registered with Shrigonda Police Station, District Ahmednagar for offences punishable under sections 306, 498-A read with section 34 of the Indian Penal Code.

2. FIR is lodged by Parvati Subhedar Madane stating that marriage of her grand daughter Rukmini had taken place in the year 2021 with Avinash Shivaji Dhawale. Rukmini was blessed with one female child. Her husband Avinash was addicted to liquor, and therefore, he used to beat Rukmini on the flimsy grounds. Her in-laws (present applicants) also used

to ill-treat her. On 03.09.2023, Rukmini informed her mother that her husband and mother-in-law Rajabai beaten her and snatched her mobile phone. Informant along with her daughter-in-law Bayadabai went to matrimonial house of Rukmini, at that time, Rukmini told them that Avinash and her mother-in-law snatched the girl child from her and took her to Pune and they are not willing to permit Rukmini to cohabit.

On 07.09.2023 at about 8.00 a.m., Avinash, mother-in-law Rajabai and father-in-law Shivaji snatched the girl child from Rukmini and assaulted her and told her to stay at Wangdari, otherwise go to her parental house at Morwad. Informant intervened, at that time, suddenly Rukmini went inside the house and closed the door. Hearing the shouts of informant, cousin father-in-law came there and broke the door. Rukmini was found hanging inside the room. She was taken to hospital by her husband and others.

3. Heard learned advocate for applicant and learned APP for respondents – State

4. Avinash was arrested and he is in jail. Investigation papers show that statement of cousin father-in-law of deceased is recorded, wherein he has stated that he heard quarrel between Avinash and his wife. After Rukmini went

inside and locked the door from inside, hearing the shouts, he went there. At that time, Avinash tried to open the door. He and Avinash broke the door open and saw Rukmini hanging. Presence of applicants at the relevant time is not mentioned in the said statement. These persons have reached on the spot of incident on hearing shouts.

5. Applicants were granted interim protection and they have co-operated in the investigation. Nothing is to be recovered from them. In the peculiar facts of the present case, their pre-trial custodial detention is not necessary.

6. Application is therefore allowed by confirming interim protection granted to applicants by order dated 09.10.2023.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane