



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2043 OF 2023

Prakash Kavarsing Chavan And AnotherApplicants

VERSUS

The State Of Maharashtra And AnotherRespondents

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Mr. D.M. Bhalke, Advocate for applicants.

Mr. A.R. Kale, APP for State.

WITH

ANTICIPATORY BAIL APPLICATION NO. 1864 OF 2023

Punamchand Ramji Rathod And AnotherApplicants

VERSUS

The State Of Maharashtra And AnotherRespondents

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Mr. A.R. Borulkar, Advocate for applicants.

Mr. A.R. Kale, APP for State.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 04th MARCH, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 233 of 2023, registered with Harsul Police Station, Aurangabad City, for offences punishable under sections 306, 323, 504, 506 r/w. 34 of the Indian Penal Code.

2. FIR is lodged by Vishal Chavan alleging that

Bhagyawant Punde

deceased Priyanka is wife of Anil Rathod. Their marriage was solemnized before 11 years. Out of said wedlock they are having two sons, namely Rohit and Hrishikesh. Prior to 4 to 5 months, deceased gave birth to a male child. That time, her sister-in-law Sangita and husband of Sangita namely Prakash came in the hospital for seeing the child. They told deceased that the child is not feeling well and they will take him to the hospital. Thereafter, they took away her child. However, they did not bring him back. When informant called Sangita and her husband and inquired about her child, they told him that the child is hospitalized. Thereafter, informant brought Priyanka at Palshi Tanda. After two days, Priyanka asked her husband about the child. He told her that, her son is in hospital. Subsequently, deceased went to her matrimonial house. She inquired with Sangita about the child. She told her that her son died. However, subsequently, deceased and her relatives came to know that Sangita and others sold the child to someone. Therefore, deceased used to frequently inquire with her in-laws, husband and sister-in-law about her child. Her in-laws used to abuse and assault her. They also threatened to kill her. Being fed up with the harassment at the hands of accused, Priyanka committed suicide by hanging.

3. Heard learned advocate for applicants and learned APP for respondents. Perused the investigation papers.

4. Present applications are filed by father-in-law, mother-in-law, husband of sister-in-law and sister-in-law of deceased. On 14.12.2023, charge sheet is filed in the present crime and case is numbered as Regular Criminal Case No. 2938/2023. Husband of deceased was arrested and he is granted regular bail. *Prima facie*, there does not appear any active role played by father-in-law and mother-in-law of deceased in the present crime. So far as, sister-in-law and her husband are concerned it is alleged by prosecution that they sold one day old child to their neighbor namely Sidhram Mallabaddi and Basamma Mallabaddi.

5. According to applicants, notarized adoption deed is signed by deceased and her husband, copy of which is placed on record. In statements of Sidhram Mallabaddi and Basamma Mallabaddi, they have stated that they have adopted the child by executing notarized adoption deed, but no money was involved in the said adoption. Except bare allegations, *prima facie*, there does not appear any material against applicants. In view of filing of charge sheet, pre-trial custodial detention of applicants is not

necessary.

6. In the result, applications are allowed by confirming interim protection order dated 13th December, 2023.

[NITIN B. SURYAWANSHI, J.]