



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

CRIMINAL APPLICATION (ABA) NO.225 OF 2024

(Satish Babarao Wankhede and anr. Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. H. Chawhan, Advocate for the applicants.
Mr. U.R. Phasate, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 25, 2024.

Apprehending the arrest at the hands of police in connection with Crime No.376/2023 registered with Police Station, Mahagaon, District Yavatmal for the offences punishable under Sections 306 and 498-A read with Section 34 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. Applicant No.1 is the brother-in-law and applicant No.2 is the father-in-law of the deceased. The accusation is against the present applicants on the basis of report lodged by father of the deceased who alleged that the marriage of the deceased Priyanka was performed in the year 2013 with Vilas Sidoba Wankhede, co-accused. After marriage, she resumed the cohabitation, but as per the allegations, she was ill-treated by the present applicants and other co-accused for demand of Rs.5,00,000/- for purchasing the tractor. It is further alleged that deceased was subjected for sexual assault at

the hands of applicant No.1, and therefore, she has committed suicide by jumping into the Well on 29.06.2023. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicants submitted that as far as applicant No.1 is concerned the allegation is that deceased has made a phone call to his cousin sister Ujwala but from her statement is nowhere reveals that she received any phone call. He further submitted that general allegations are made against them and their custodial interrogation is not required. He submitted that the demand as per the allegation is made by the in-laws but it is also a general allegation, no time or date is mentioned when the said demand was made. The part of the custodial interrogation is not required as nothing is to be recovered from them. In view of that, they be protected by granting pre-arrest bail.

4. Learned APP strongly opposed the application on the ground that deceased married with the co-accused Vilas Sidoba Wankhede in the year 2013. All the applicants were residing along with the deceased. She was ill-treated for demand of Rs.5,00,000/- and thereafter she was also subjected for sexual assault by applicant No.1. he submitted that during investigation the statement of the witnesses recorded which shows that deceased disclosed to them that applicant No.1 – Satish has subjected her for sexual assault and considering the serious allegation

against applicant No.1 his bail application deserves to be rejected and he prayed for rejection of the application.

5. I have heard learned Counsel for both the parties. Perused the FIR. Admittedly, in the FIR the act which was disclosed by the deceased regarding the sexual assault by applicant No.1 is not mentioned but during the investigation the statements of the various witnesses are recorded from which it reveals that deceased has disclosed to them that applicant No.1 – Satish has subjected her for sexual assault. Whether she was subjected for sexual assault or not is a matter of investigation. At this stage, *prima facie* the statement of the witnesses disclosed the role of applicant No.1 which is serious in nature. As far as the role of applicant No.2 is concerned which is general in nature. In view of that, the ad-interim protection granted to applicant No.2 deserves to be confirmed. Accordingly, I proceed to pass the following order:

(i) The application is partly allowed.

(ii) In the event of arrest, applicant No.2 – Babarao Shidoba Wankhede in connection with Crime No.376/2023 registered with Police Station, Mahagaon, District Yavatmal for the offences punishable under Sections 306 and 498-A read with Section 34 of the Indian Penal Code, be released on anticipatory bail on executing a P.R.Bond in

the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The application regarding applicant No.1 – Satish Babawrao Wankhede is concerned for grant of anticipatory bail is hereby rejected.

(iv) Applicant No.2 shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(v) Applicant No.2 shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*