



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 ANTICIPATORY BAIL APPLICATION NO. 1865 OF 2024

1. DHARMARAJ BABANRAO DAHIWALKAR
2. MANGAL DHARMARAJ DAHIWALKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Narayan B. Narwade
APP for Respondent/State: Ms. Neha B. Kamble

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CORAM : ARUN R. PEDNEKER, J.

DATE : 11.03.2025

P.C. :

1] Heard learned counsel for the applicants and the learned APP for the respondent-State.

2] The applicants are apprehending arrest in connection with Crime No.0703/2024, dated 24.09.2024, registered at MIDC Police Station, Ahmednagar, District Ahmednagar, for the offences punishable under Sections 85, 352, 351(2), 3(5), 115(2), 108 of B.N.S., 2023.

3] This court by order dated 24.10.2024 granted interim protection to the applicants noticing submissions at paragraphs no.4, 5 and 6, as under:

“4. Learned counsel for the applicants submits that though allegations are against the present applicants that they caused harassment to the deceased

daughter-in-law, the said allegations are vague. It is submitted that on 22nd September, 2024 the applicants had been to at Pune to their daughter's matrimonial home as she was having some disputes with her husband. He further submitted that even when her statement was recorded by bharosa cell, present applicants were present. He further submits by placing reliance on a screen shot to indicate that there is every possibility that the deceased had some affair before marriage and owing to the same there was a dispute with husband. This could be a probable cause for she committing suicide.

5. Learned APP opposed the grant any interim relief by drawing attention of the Court to the allegations against the applicants about they causing harassment to her.

6. Prima facie this Court finds substance in the contention of the learned counsel for the applicants that the allegations against them are omnibus i.e. without any particulars. Apart from this, if the documents place on record and the contention of the learned counsel for the applicants is found to be incorrect that the deceased had affair before her marriage, the possibility of she committing suicide for any reason for than alleged in the first information report is not ruled out."

4] The learned counsel for the applicants submits that thereafter the applicants have cooperated with the investigation. He submits that, in any event the main accused in the offence would be husband and he has been released on regular bail.

5] The applicants herein are the in-laws of the deceased. In the FIR, there are no allegations of any illicit demand against the applicants or the husband of the

deceased. The highest, at best, it is stated in the FIR that there was harassment on account of the suspected illicit relations of the deceased.

6] Considering that this court based on the material on record has observed that there has been possibility of the deceased having the affair before marriage, which cannot be ruled out and, also, considering that the main accused has been granted regular bail and the applicants have not made any illicit demand for money, considering all these aspects, the interim protection granted earlier can be confirmed.

7] In view of the above, the interim protection granted by order dated 24.10.2024 stands confirmed, on the following terms:

i] The applicants shall attend the police station as and when required by the Investigating Officer.

ii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

8] In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

9] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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