

CNR No.MHBU04001323-2022

MHBU040013232022



Order below Exh.1
(Passed on 6.12. 2022)

1. Perused application and say filed by I.O. vide Exh.9, also perused say filed by learned APP Shri Abdul Matin vide Exh.10, and protest petition filed by the original informant vide Exh.12. Heard learned Adv. Shri S.T. Joshi for the applicants/accused and learned APP Shri Abdul Matin for prosecution. Gone through the case diary and papers on record.

2. It is submitted on behalf of the applicants/accused that Crime No.499/2022 is registered against the applicants/accused with Shegaon City police station for the offences punishable under sections 306, 498-A, 504 r/w sec.34 of IPC. They apprehend their arrest in this crime. The applicants/accused are respectable persons and there is no previous criminal record. It is further submitted that the mother of deceased had lodged the false report against them. Marriage of deceased was performed in the year 2011. Since then there was no dispute or complaint about any kind of illtreatment or harassment caused to the deceased at the hands of the applicants/accused. Moreover, they are not the close relatives of deceased and related with her through her sister-in-law, so not having direct involvement. Therefore, prayed for enlarging them on bail.

The learned advocate for the applicants/accused relied upon the case laws

- [1] [2002(3) Mah. L.R. Maharashtra Law Reporter 103] Bombay High Court (Aurangabad Bench) Mr. Ananta Nathu Bhosle V/s. The State of Maharashtra.
- [2] [2021 BHCCO 3086] [2022 ALL MR (Cri) 589], Asha Madhukar Kurpe B/s. The State of Maharashtra.
- [3] [2021 BHCCO 1165] Bombay High Court Aurangabad Bench, Pratap s/o Bhagwan Nimarot V/s. The State of Maharashtra.
- [4] [2021(2) B Cr.C. 755] Bombay High Court, Naval Ashok Agarwal V/s. The State of Maharashtra.
- [5] [2021 BHCCO 577] Bombay High Court Aurangabad Bench, Shrikant S/o Dattatraya Khandare & others V/s. The State of Maharashtra.
- [6] In the Court of Judicature at Bombay (Criminal Appellate jurisdiction), Criminal Revision Appln. No.57 of 2018, Anagha Hitesh Arya V/s. The State of Maharashtra.

Perused the case laws filed by the defence in their entirety.

3. It is submitted on behalf of the prosecution vide Exh.9 & 10 that the allegations in the FIR prima facie shows that illtreatment was meted out to the deceased which resulted into deceased committed suicide by hanging. If the applicants/accused are released on bail, then they might threaten and pressurize the prosecution witnesses. Hence considering the facts and circumstances, the application be rejected.

The learned APP relied upon the case law- 2010 ALL MR (Cri) 1331 (S.C.), Chitresh Kumar Chopra V/s. State (Govt. of NCT of Delhi).

Perused the case law relied upon by prosecution.

4. The original informant also filed say below Exh.12 in the line of prosecution and resisted the release of applicants/accused on bail.

5. Perused the record and papers on record. It is seen that the marriage of the deceased with applicants No.1 & 2 took place on 16.5.2011. One son and daughter were born from the wedlock. The applicants/accused used to instigate the husband of deceased due to which illtreatment was meted out to the deceased. The deceased died on 17.10.2022 by hanging. Initially the A.D. was registered and after a lapse of seven to eight days the report is given. The applicants/accused are the relatives of the husband of deceased and residing separately from that of deceased. The learned advocate for the applicants/accused filed on record medical papers of deceased showing that the deceased was suffering from ailments and her treatment was going on. The marriage of deceased with the son of applicant No.1 is more than 11 years old and during this time no complaint of illtreatment or harassment is lodged by either deceased or by her family members. It is required to mention here that the interim protection was given to the applicants/accused as per order passed below Exh.4 vide order dated 24.10.2022, no breach of the

above order is reported. Hence in view of the above facts and circumstances, I hold that applicants/accused have made out a case for grant of pre arrest bail. The interim protection granted to the applicants/accused requires to be confirmed and the bail granted continued till conclusion of the trial. In result, I pass the following order :-

Order

- 1] Application Exh.1 is allowed.
- 2] The interim protection granted to the applicants/accused vide order dated 24.10.2022 passed below Exh.4 is hereby confirmed and made absolute till conclusion of the trial.
- 3] Inform concerned police station accordingly.

Date :6.12.2022

(A.S.Wairagade)
Addl. Sessions Judge, Khamgaon,
Dist. Buldana.

Certificate

I certify that this order PDF uploaded is a true and correct copy of original signed order.

Name of Steno : Mrs. Nishat Anjum Mohd. Rafique.

Name of Court : Addl. Sessions Judge, Khamgaon.