

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2119 OF 2013

KUSUM PRABHAKAR VELAPURE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Kuldeep S.Patil Advocate for the Applicant.

Mr.A.S.Shitole APP for the Respondent / State.

CORAM: SMT.R.P.SONDURBALDOTA, J.

DATE : 23rd DECEMBER, 2013.

PC. :

1 The applicant was arrested on 7th August 2013 in C.R.No.53 of 2013, registered with Khandeshwar Police Station, Raigad, for the offences punishable under Sections 498A, 406, 304(B) read with Section 34 of Indian Penal Code (IPC). The other accused in the complaint are the son and daughter of the applicant. The daughter of the applicant was granted anticipatory bail and the son has been released on regular bail.

2 The complainant is the mother of the deceased. The marriage of the deceased had taken place about 2½ years prior to the incident. According to the complaint, on 22nd May 2011, when the deceased had come to the house of her parents, she was unwell and was running high temperature. Around midnight, she was found sitting in a corner of a room in a frightened condition. She was besides herself and imploring the applicant not to beat her. She was also saying that she had always been listening to the applicant. The deceased, later, gave birth to a daughter. According to the complainant, she was being harassed as the applicant and her children wanted the deceased to get money from her parents for the purpose of purchase of a car. They used to abuse and assault her for the purpose of fulfillment of the demand. On 30th June 2013 the deceased committed suicide by hanging herself in her house. The complaint refers to a letter which had been given by the deceased to her father. This letter is not yet made a part of the charge-sheet. It has been sent to the Handwriting Expert for opinion. A copy of that letter is produced by the applicant. The allegation contained therein are not of such a nature as to constitute the offence under Section 498A IPC. In the circumstance, no useful purpose would be served by continuing the applicant in custody. Hence the application is allowed.

3 The applicant be released on bail in C.R.No.53 of 2013, registered with Khandeshwar Police Station, Raigad, for the offences punishable under Sections 498A, 406, 304(B) read with Section 34 of Indian Penal Code, in the sum of Rs.25,000/-, with one or two surety/sureties in the like amount. The applicant shall attend Khandeshwar Police station as and when called by the police. She shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the court or to any police officer. The applicant shall not leave India without the previous permission of the court.

(SMT.R.P.SONDURBALDOTA, J.)