

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.354 OF 2015**

Mr. Mahesh Bajirao Aarekar-Patil	Applicant.
Versus	
The State of Maharashtra	...Respondent.

**WITH
ANTICIPATORY BAIL APPLICATION NO.302 OF 2015**

Sou. Uma Mahesh Aarekar-Patil	...Applicant.
Versus	
The State of Maharashtra	...Respondent.

Mr. Indrajeet Joshi, advocates for the Applicants in both the matters
Mrs. R.V.Newton, APP for the respondent-State in both matters..

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : March 19, 2015.

P.C.:

Heard.

2 Two applications are moved for the anticipatory bail. Both are husband and wife. Deceased Swapnali was wife of younger brother of the applicant-accused Mahesh and she was sister in law of the applicant-accused Uma. There was demand of money by the applicants-accused continuously and the applicant-accused Mahesh had demanded two

lakhs of rupees from the father of the deceased Swapnali. It is the case of the prosecution that financially, the deceased Swapnali and her husband Ramesh were totally dependent on the applicant-accused Mahesh, being elder brother and his wife Uma. Swapnali committed suicide after a quarrel took place on 6.2.2015 on the issue of bringing money of Rs.2 lakhs from her father and compel her mother and her family members to hypothecate gold ornaments for raising fund of Rs.2 lakhs. Pursuant to the information given by Bipin, brother of the deceased Swapnali, F.I.R. came to be lodged in the C.R.No.53 of 2015 on 6.2.15 for the offences punishable under Sections 306, 498A read with Section 34 of the Indian Penal Code, 186 against the applicants-accused.

3 The learned counsel for the applicants-accused has submitted that partition has taken place between Ramesh and Mahesh. They were residing separately. There was no issue of property between the two brothers. There is no question of demand of money from the family of deceased Swapnali by Mahesh. In support of his submission, he relied upon the copies of two ration cards. In one ration card, Mahesh is shown as Karta and in another ration card, Ramesh is shown as Karta. He also produced 7/12 extracts of the land property wherein names of these two brothers, having separate and equal share, are shown in the revenue record. The learned counsel submitted that there is no question of recovery as such, from the family. There is no evidence against the

applicants-accused to implicate them for the offences punishable under Sections 498A and 306 of the IPC.

4 The learned Prosecutor opposed the bail application. She relied upon the statement of the mother of the accused-applicant and mother-in-law of the deceased Swapnali.

5 Perused the FIR and the statement of Mangala Arekar. It is true that there are two separate ration carts and also properties are standing in the name of two brothers separately. However, at this stage, Court has to consider statements also. The statement of mother-in-law of the deceased Swapnali discloses that the applicant-accused Mahesh had demanded two lakhs rupees from the father of the swapnali and on perusal of the statement of the father and brother of the deceased Swapnali, it appears that family members of deceased Swapnali had to hypothecate gold ornaments to raise an amount of Rs.2,00,000/-and the same amount was handed over to Mahesh. Considering this, prima-facie I am of the opinion that this is not a case to grant anticipatory bail to Mahesh. However, there are no such direct or incriminating allegations against Uma.

6 Anticipatory bail application of Mahesh is rejected and anticipatory bail application of Uma is allowed on the following conditions:

- i) In the event of arrest, the applicant/accused Uma Mahesh Aarekar-Patil shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/-, with one or two sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;
- iii) The applicant shall not indulge into any kind of offence while on bail;
- iv) The applicant-accused Uma shall cooperate with the Investigating Officer and attend the concerned police station on 23.3.2015 between 11 am to 1 pm .

7 Bail applications, accordingly, stand disposed of.

(MRS.MRIDULA BHATKAR, J.)