

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.245 OF 2015

Ms.Bharati Madukar Kushare ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Bhushan Deshmukh for the Applicant
Mr.S.S. Pednekar, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 18, 2015**

P.C.:

1. The application is moved for bail. The applicant/accused is the mother-in-law of the deceased Surekha, who was 22 years old. Surekha committed suicide on 8.11.2014. She got married to accused No.1 Tushare Kushare on 11.5.2014. As per the case of the prosecution, she was pregnant and the foetus was 22 weeks old. The applicant/accused and her son used to harass her continuously and torture her that the deceased should go for sex determination of the foetus and if it is a girl child, then, get it aborted and if she wanted to go ahead with the pregnancy of the female foetus, then she should bring Rs.2 lacs by way of future provision of her would-be daughter and also bring a motor cycle for the co-accused. The deceased Surekha told about her torture, demand and the pressure to her family members. However, ultimately, she

consumed poison and died. The applicant/accused was arrested on 11.11.2014.

2. The learned Counsel for the applicant/accused submits that the applicant/accused is a woman. She is inside the jail since the last 5 months. There was no reason for the applicant/accused to pressurise her daughter in law. The applicant is innocent. As per the post mortem notes, there are no mention of any injuries on the body of Surekha. He, therefore, prays for bail for the applicant/accused.

3. The learned Prosecutor opposes the application and relies on the report of the Chemical Analyser in respect of the viscera.

4. Perused the FIR and the statements, post mortem notes and the C.A. report. The C.A. report discloses that silver and zinc so also Organo Phosphorous insecticide were found in the stomach of Surekha. There is enough material against the applicant/accused regarding torture and harassment and also demand of money. The deceased has committed suicide within 5 months after her marriage when she was on her family way, carrying a foetus of 22 weeks. However, it is to be noted that in the post mortem notes dated 22.11.2014, the concerned medical officer of the District hospital, Niphad, District Nashik, has mentioned the probable

cause of death as 'due to cardio respiratory arrest due to asphyxia'. It appears that the concerned Doctor needs to be careful at the time of post mortem. The trial Court to take note of the contradiction in the report of the Doctor in post mortem notes and also the C.A.

5. In view of the above, the bail application is rejected.

(MRS.MRIDULA BHATKAR, J.)