

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 429 OF 2015**

Mala Ajay Singh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. A. M. Saraogi for the Applicant

Ms. S. S. Kaushik, A.P.P for the Respondent-State

PSI Mr. S. B. Ghodake from MHB Police Station, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 26TH MARCH, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 86 of 2015 registered with the MHB Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 304B, 306, 504, 506, 34 of the Indian Penal Code.

3. According to the complainant, her daughter Poonam was aged 18 years, when she met the co-accused Shivaji. She has stated that in October, 2014, her daughter Poonam ran away with the co-accused Shivaji and hence, a missing complaint was lodged with the Dahisar Police Station. She has stated that she learnt that on 24th October, 2014, her daughter got married to Shivaji @ Shiva and that the said marriage was registered with the Registrar of Marriages at Bandra. She has alleged that after marriage, she learnt that her daughter Poonam had gone to reside with her in-laws. According to the complainant, about one month after the marriage, her daughter Poonam had called her up and disclosed to her that her mother-in-law would taunt her and say that if her son had got married to a village girl, they would have got dowry of about Rs. 50,000/-; that she would have cooked good food and that she would have pressed her legs and that the Bombay girls are of no use. It is also alleged that her husband would say that they received nothing in the marriage and that she should go and get Rs. 50,000/- from her mother. On 28th February, 2015, Poonam committed suicide pursuant to which, the aforesaid complaint was lodged by her mother, alleging that there was a demand of Rs. 50,000/- from her husband and that the mother-in-law used to taunt her.

4. Learned Counsel for the applicant contended that the applicant was admittedly not in Mumbai at the time of the incident and had gone to Bihar one month prior to the said incident. Learned A.P.P does not dispute the same.

5. Considering the fact that the applicant was not present on the date of the incident and was in Bihar from 18th January, 2015 and came back to Mumbai only on learning of the incident and considering the fact that the only allegation is of taunting as against the applicant, the applicant deserves to be granted pre-arrest on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer of the MHB Police Station as and when called for for two to three days to record her statement;

(iii) The applicant shall not tamper or attempt to contact the complainant or any witness concerned with the said case;

(iv) The applicant shall co-operate with the Investigating Agency.

6. It is made clear that the aforesaid observations are *prima facie*.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.