

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.978 OF 2015

1) Sou.Sangita Santosh Kale
2) Sou.Mirabai Raju Kale

... Applicants

Vs.

The State of Maharashtra

... Respondent

Mr.A.A. Karande for the Applicants

Mr.J.H. Ramugade, APP, for Respondent – State

Mr.S.P. Nikam, PSI, Yeola Taluka police station / Investigating Officer,
present

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

DATE: **JULY 13, 2015**

P.C.:

1. The application is moved for pre-arrest bail as the applicants/accused are facing prosecution under sections 304B, 498A, 323 r/w section 34 of the Indian Penal Code which was registered on 13.5.2015 at C.R. No.I-80 of 2015 with the Yeola Taluka police station, District Nasik. The applicants/accused are the sisters-in-law of the deceased Kavita. Santosh, the brother of the deceased Kavita, gave information to the police. His sister Kavita Bhagwan Kale got married to Bhagwan on 11.5.2011. However, the couple did not have any child. Therefore, her husband and all her in-laws used to harass her. There was also continuous demand for dowry and money. Kavita told about this

harassment to her brother, mother and other family members. On 10.5.2015, the complainant received information that Kavita died due to snake bite. So, he went to Kavita's house. When her body was brought, he noticed ligature marks on her neck and there was blood oozing from her nose and mouth. He realised that it was not an accidental death but a homicidal death. She died due to strangulation and, therefore, he gave the information to the police after two days.

2. The learned Counsel for the applicants/accused has submitted that the applicants/accused are two ladies. They are not concerned with this crime, they are shepherds by occupation. At the relevant time, i.e., in the month of May, they were not at home but with the cattle as they went in search of pasture and grazing cattle. Hence, they may be granted bail.

3. Learned Prosecutor has opposed the application. He relied on the postmortem report and the statements of the complainant and the other witnesses on the point of harassment and murder.

4. Perused the FIR, the statements of the witnesses which are produced by the prosecution and the postmortem report. Undoubtedly, it is not an accidental death. It appears prima facie that the family members of the deceased Kavita lied to suppress the real cause of death of Kavita and misguided that she died due to snake bite. However, in the statements of the witnesses, prima facie, there are general allegations in

respect of the harassment at the hands of the applicants/accused. However, their role in the commission of offence is not seen and hence, pre-arrest bail is granted as under:

- i) In the event of arrest, the applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/- each, with one or two sureties in the like amount;
- ii) The applicants shall not tamper with the evidence;
- iii) The applicants shall not indulge into any kind of offence while on bail;
- iv) The applicants shall cooperate with the Investigating Officer and attend the concerned police station on every Friday, between 11am to 2pm, till filing of chargesheet.

5. Anticipatory Bail Application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)