

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1111 OF 2015

Gayabai Nathu Kale	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Amit Karande, for the Applicant.
Mrs. R.V. Newton, APP for the Respondent-State.

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

DATE: **AUGUST 14, 2015**

PC.:

1. The application is moved for pre-arrest bail as the applicant/accused is apprehending arrest for the offences punishable under Sections 304(B), 498-A, 323 read with 34 of the Indian Penal Code in C.R. No. I-80 of 2015 registered with Yeola Taluka police station, Nashik.

2. It is the case of the prosecution that one Sandip Jane is the brother of the deceased Kavita gave information to the police on 13th May, 2015 that his sister Kavita got married on 11th May, 2011 with Bhagwan Kale, the co-accused. After the marriage she started

residing with the husband and her in-laws. However, they were good with her for two years and thereafter they started harassing her as she could not conceive. The applicant/accused and the co-accused used to harass her and used to press that she should bring Rs. 2 lacs for the treatment. She was tortured in various ways. The money was demanded from her relatives also. The deceased Kavita used to tell about the harassment to her brother and her family members time to time at the hands of co-accused and the applicant/accused.

3. On 10th May, 2015 at around 5.40 pm the husband of deceased Kavita informed that Kavita is admitted in the hospital due to snake bite. However, he was not aware where she is admitted. When the complainant reached at Yeola, he saw the dead body of Kavita and found ligature mark on her neck. The blood was coming out of her mouth and nose. The applicant/accused and co-accused were hurriedly wanted to perform the last rites of Kavita. The complainant found it suspicious and so he gave information to police about the incident, pursuant to which the offence was registered.

4. The learned counsel for the applicant/accused submitted

that the applicant/accused is a mother in law aged 80 years old. She has not played any role in the offence and therefore, she be granted pre arrest bail.

5. The learned prosecutor opposed the pre arrest bail. He relied on the first information report and statement of witnesses. She submitted that it is a case under Section 304-B of the Indian Penal Code. The death of Kavita has taken within seven years from the date of marriage and so no pre arrest bail can be granted.

6. Perused the first information report and the advance death certificate dated 11st May, 2015 issued by the Rural Hospital, Yeola, Dist. Nashik. As per the opinion of the Medical Officer the probable cause of death is due to hanging. Considering this, though the applicant/accused is a female of 80 years of age, I am not inclined to grant pre arrest bail to her. This factor can be considered at the time of granting regular bail to the applicant.

7. Hence, the anticipatory bail application stands rejected.

(MRS.MRIDULA BHATKAR, J.)