

IN THE HIGH COURT OF JUDICATURE, AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1475 OF 2015

Sou Chhaya Sambhaji Gadve	...	Applicant
Vs.		
The State of Maharashtra & Anr.	...	Respondents

Mr. Rupesh Zade, Adv. for applicant.
Mr. J H Ramugade, APP for State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 30th November, 2015.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending her arrest in Crime No.272 of 2015 registered at Baramati P S, Pune for the offences punishable under Sections 498(A), 306, 323, 504, 506 r/w.34 of IPC.

2. Mr. Zade the learned counsel for the applicant submitted that the allegations against applicant are general in nature. That there is no prima facie material to show the involvement of the applicant in committing the said crime.

3. The learned APP Mr. Ramugade has submitted that the FIR prima facie reveals that the applicant is involved in committing the crime. He has further submitted that considering the gravity of the offence the applicant is not entitled for bail.

4. I have perused the records and consider the submissions advanced by the learned counsel for the applicant and the learned

APP for the State. The records reveal that the deceased Sheetal was missing from her matrimonial house from 10th August, 2015. Her body was retrieved from a well on 12th August, 2015. On the same day one Nitin, the brother of the deceased lodged a complaint alleging that the his sister was being harassed and subjected to cruelty by her husband and his family members including the applicant herein. The complainant had further alleged that the husband of the deceased Sheetal and his family members had demanded dowry of Rs.50,000/- and that the same was paid to them about 6 months prior to the date of the incident.

5. It is to be noted that till date the investigating agency has not verified the varcity of the said statement. Apart from the bare statement of the family members of the deceased, at this stage there is no prima facie material to show that the applicant was involved in demanding dowry or that he had received any money in the form of dowry from the family members of the deceased. On the contrary one of the witnesses, who is the neighbour of the applicant has stated that the deceased was not subjected to any cruelty and that she was residing happily in her matrimonial house. This witness has stated that on 10th August, 2015 the deceased had gone missing from the house after a quarrel over some incident.

6. The records prima facie reveal that the allegations are general in nature. In the facts and circumstances of the case in my considered view the applicant is entitled for anticipatory bail.

7. Under the circumstances and in view of the discussion

supra, the application is allowed on following terms:

1. In the event of arrest of the applicant in Crime No.272 of 2015 registered at Baramati Police Station, Pune for the offences punishable under Sections 498(A), 306, 323, 504, 506 r/w.34 of IPC the applicant shall be released on bail bond of Rs.10,000/(Rupees Ten Thousand Only) each with one or two sureties in the like amount to the satisfaction of the learned Judicial Magistrate, First Class, Baramati, Pune.
2. The applicants shall report to the investigating officer for 7 days and further as and when required by the investigating officer for the purpose of the interrogation.
3. The applicants shall not leave village Kurlap, Dist. Sangli without prior permission of JMFC, Baramati.
4. The applicant shall not leave Baramati till filing of the chargesheet and without prior permission of JMFC, Baramati.

(ANUJA PRABHUDESSAI, J.)