

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

A.B.APPLICATION NO.1733 OF 2015

Mrs. Krishna Ramnath Gupta @	
Mrs. Krishnadevi Ramnath Gupta	..Applicant
-Versus-	
State of Maharashtra	..Respondent

Ms. Anushka Shreshta for applicant
Ms. M.H.Mhatre, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 2nd December 2015.

P.C.

1] The applicant is apprehending arrest in C.R.No.365 of 2015 registered with Park Site Police Station, Vikhroli, Mumbai under section 498-A, 304(B), 306 read with 34 IPC, on the complaint of the brother of the deceased, Smt. Ritadevi. The said deceased Ritadevi was married with Anil Ramnath Gupta, Accused No.1 on 19th June 2014. On 22nd August 2015, the said Ritadevi committed suicide. It is the case of prosecution that the applicant, who is mother in law of deceased, along with accused No.1 – Anil caused continuous harassment to the said deceased and used to demand

substantial amount and gold ornaments from the parents of Ritadevi. The said Ritadevi could not sustain the pressure and committed suicide at her matrimonial house on 22nd August 2015. The record discloses that the original accused No.1 Anil Gupta – husband of deceased was arrested and a charge sheet has now been filed against him. It is further the case of the prosecution that the applicant could not be arrested as she was absconding since the date of commission of offence. The said statement of prosecution appears to be a far fetched circumstance as the case diary does not support the contention of the learned APP.

2] A bare perusal of the FIR discloses that the role attributed to the present applicant is that she used to harass the deceased for bringing cash and gold ornaments from her parents. Taking into consideration the fact that the deceased was married on 19th June 2014 and she committed suicide on 22nd August 2015, in my opinion, the presumption under section 113-A of The Evidence Act squarely applies. In that event and particularly in view of the fact that the charge sheet has been filed against the main accused, custodial interrogation of the present applicant is not necessary.

Hence, following order:-

- (i) In the event of arrest of the applicant in C.R.No.365 of 2015 registered with Park Site Police Station she shall be released on bail on furnishing P.R.Bond of Rs.25,000/- with one or two solvent sureties in the like amount;
- (ii) The applicant shall attend concerned police station on first Monday of every month during the pendency of trial;
- (iii) The applicant shall not tamper with and/or influence the prosecution witnesses;
- (iv) The application is allowed in the aforesaid terms;

(A.S.GADKARI, J)