

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1747 OF 2015

Shri Baburao Shankar Khatode & Ors.	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Ms. Rekha Musale, Adv. i/b. Sangita S Survase, Adv. for applicants.
R V Newton, APP for State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 7th December, 2015.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicants apprehending their arrest in Crime No.193 of 2015 registered at Chandannagar Police Station, Pune for the offences punishable under Section 498(A) and 306 read with 34 of the IPC.

2. Heard Ms. Musale, learned counsel for the applicant and Mrs. R V Newton, the learned APP for State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The records prima facie reveal that the son of the applicant Nos.1 and 2 was married to Gayatri, the deceased, on 20th February, 2011. She had committed suicide on 3rd October, 2015. The

postmortem report reveals that the death was due to asphyxia. The father of the deceased lodged FIR on 10th October, 2015 alleging that the deceased was subjected to physical and mental cruelty. He has stated that there were constant demands for dowry and he and his son had paid Rs.3 lacs to the husband of the deceased Gayatri. He had stated that his daughter Gayatri had committed suicide due to the harassment meted out to her by the husband and the applicants herein. Based on the said complaint the aforesaid crime was registered.

4. The applicant Nos.1 and 2 are the father and mother-in-law of the deceased and applicant No.3 is the sister-in-law of the deceased. The FIR as well as the statements of the witnesses prima facie reveal that the deceased and her husband were living separately at Kharadi, Pune whereas the applicants are residing at Rajapur, Tal. Sangamber, Dist. Ahmednagar. It is also to be noted that there is no prima facie material to indicate that these applicants used to visit the deceased at Pune. Though there are allegations of demand of dowry, there is no prima facie material to show that any amount was paid to these applicants or that they had demanded dowry. On the contrary the records reveal that the amount was transferred in the name of the

husband of the deceased.

5. Considering the above facts and circumstances, in my considered view, the applicants are entitled for bail. Hence the following order.

1. In the event of arrest of the applicants in Crime No.193 of 2015 registered at Chandannagar Police Station, Pune, the applicants shall be released on bail bond of Rs.25,000/(Rupees Twenty five Thousand Only) each with one or two sureties in the like amount to the satisfaction of the JMFC, Pune.
2. The applicants shall report to investigating officer for 7 days from 10 am to 1 pm and further as and when required by the investigating officer for the purpose of the interrogation.
3. The applicants shall not tamper with the evidence or influence complainant and witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)