

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**2 CRIMINAL APPLICATION NO. 4636 OF 2016
WITH
APPLN/5114/2016
IN
APPLN/4636/2016**

**SMT. SHANTABAI W/O LAXMANRAO
CHAVAN**

VERSUS

THE STATE OF MAHARASHTRA

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Mr. S.S.Gangakhedkar, Advocate for Applicant.

Mr. S.J.Salgare, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 27th SEPTEMBER, 2016

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PER COURT :

1. The applicant/accused in Crime No. 73/2016 registered at Manatha police station, Tq. Hadgaon, Dist. Nanded for the offences punishable U/ss 498-A,306 read with 34 of the Indian Penal Code, by this application is seeking pre-arrest bail.

2. Heard the learned counsel for the applicant. By

drawing my attention to the F.I.R., the learned counsel for the applicant has stated that in the first version of the incident reported by father of the deceased, no averment regarding harassment on account of demand of money is made against the present applicant. The learned counsel further argued that the allegations against the present applicant are sweeping in nature.

3. Learned A.P.P. opposed the application by drawing my attention to the statements of the parental relatives of the deceased, including those of her brothers, sisters, etc. The learned A.P.P. further pointed out that the statements of witnesses shows that amount of Rs. 1 Lakh was paid to the husband of deceased. Still, there was harassment to her with payment of Rs. 2 Lakh and, therefore, ultimately the deceased committed suicide.

4. I have also heard the learned counsel appearing for the informant and he drew my attention to the opening paragraph of the F.I.R. to point out that the applicant has also participated in subjecting the deceased to cruelty and her consequent suicidal death.

5. In the case in hand, Savita married co-accused Pandurang Laxman Chavan in the year 2006. Her death is occurred after 10 years of her marriage and after giving birth to 2 children out of the wedlock. The applicant is mother-in-law of deceased Savita.

6. Savita died due to consumption of poison on 21/07/2016. So far as present applicant is concerned, the allegations are to the effect that the present applicant used to insult Savita and she was not allowing her to mix with people. It is further averred that the applicant was not providing food to Savita and she used to give her physical as well as mental harassment. Apart from this, there are no other allegations *qua* the present applicant in the first version about the incident in question.

7. The statements of parental relatives recorded subsequently and particularly those of the brothers goes to show that when they used to go to the matrimonial house of Savita to fetch her, her husband and in-laws were abusing her and stating that they will not send Savita to her parental house. Both brothers have disclosed that upon much insistence, Savita was used to be sent to her parental house for 1 or 2 days.

8. The averments regarding demand of money is attributed to co-accused and not the present applicant.

9. Explanation to Section 498-A of the Indian Penal Code defines cruelty. This definition covers domestic cruelty. *Prima facie*, the averments against the present applicant reflects domestic cruelty rather than legal cruelty.

10. In this view of the matter, custodial interrogation of the present applicant is not warranted. Hence, the

following order.

- (i) The application is allowed.
- (ii) The Order dated 20/08/2016 granting pre-arrest bail to the applicant is confirmed on the same terms and conditions.
- (iii) In addition, the applicant shall attend the concerned police station on 08/10/2016 in between 11.00 a.m. and 1.00 p.m. and she should co-operate the Investigating Officer in the investigation of the crime in question.

[A.M.BADAR, J.]