

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

CRIMINAL APPLICATION NO. 5420 OF 2016

Sushila @ Bayanabai w/o. Baban Raut .. Applicant
Age.43 years, Occ. Household & Labourer,
R/o. Rautvasti, Nalwandi,
Post Karegaon, Tq. Patoda,
Dist. Beed.

Versus

The State of Maharashtra .. Respondent

Mr.N.V. Gaware, Advocate for the applicant.
Mr.S.M. Ganachari, APP for respondent/State.

**CORAM : A.M. BADAR,J.
DATED : 06.10.2016**

P.C. :-

1. The applicant, who is mother-in-law of deceased Jyoti, is accused in Crime No.I-229 of 2016 registered with Kotwali Police Station, Dist. Ahmednagar, for the offences punishable under sections 306, 448-A, 506 r/w 34 of the Indian Penal Code. By this application, she is seeking pre-arrest bail.

2. Heard learned Counsel for the applicant/accused. He submitted that the incident in question took place in presence of mother and brother of deceased at her matrimonial house. In-fact, they had been to fetch the deceased to her parental house. There is nothing to show that there was immediate stimulation of the instigation by accused persons to deceased to commit suicide.

3. Learned A.P.P. opposed the application by contending that statement of neighbourer Jyoti Sayaji Pathade shows that there was some unnatural and cloud of doubts over the incident of death of Jyoti requiring further investigation and therefore custodial interrogation of present applicant is warranted. Learned A.P.P. submitted that there was gas cylinder in the kitchen and the incident is stated to have happened because of burn injury due to kerosene. This, according to submission of learned A.P.P., is suspicious and the offence may turn to graver one.

4. Perused papers of investigation including F.I.R. lodged by Sanjay Bhikaji Doke. According to the prosecution case, deceased Jyoti married Ajinath Raut one year prior to her death. It is averred by the informant/father that after her marriage, husband and mother-in-law of deceased Jyoti used to inflict physical

as well mental cruelty to her by alleging that they do not like her. She should go away from the house or she should kill herself. The applicant is mother-in-law of deceased Jyoti. It is further averred that because of telephonic call informing cruel treatment to her, the informant/father sent mother and brother of Jyoti to Karegaon for fetching her to her parental house. The incident happened when Baynabai and Ganesh (mother and brother of Jyoti) went to her matrimonial house to fetch her. At that time, according to prosecution case, Jyoti committed suicide by setting herself ablaze in the bath room of the house after dousing herself with kerosene.

5. Statement of Baynabai Doke - mother of deceased Jyoti as well as statement of her neighbourer Jyoti Sayaji Pathade, prima facie, discloses, the reason for the incident in question. Their statement does not disclose legal cruelty. On the contrary, it appears that there was quarrel between husband and wife as husband of deceased Jyoti scolded her as to why she spends time of about two hours outside the house on the pretext of going to easing when the toilet is in the house itself. Statement of Jyoti came to be recorded when she had sustained burn injury. That statement also discloses that she was indulged in self effacement frustrated state of mind. She has not stated about cruel treatment in her

statement.

6. In the wake of this evidence, custodial interrogation of present applicant is not warranted. Therefore, the following order :-

O R D E R

i. The application is allowed.

ii. In the event of her arrest in Crime No.I-229 of 2016, registered with Kotwali Police Station, Dist. Ahmednagar, for the offences punishable under sections 306, 498-A, 506 read with section 34 of the Indian Penal Code, applicant – Sushila @ Bayanabai w/o. Baban Raut be released on bail on executing P.R. Bond of Rs.20,000/- (Rupees Twenty Thousand) and on furnishing surety in like amount.

iii. As a condition of this order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police to the Court.

iv. The applicant shall not tamper the evidence of the prosecution.

v. The applicant shall attend concerned police station on 20.10.2016 in between 11.00 a.m. to 01.00 p.m. and she should co-operate the investigation.

[A.M. BADAR,J.]