

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6273 OF 2016

- 1] Jibhau Chintaman Vetel,
Age : 67 years, Occupation : Retired,
R/o : Mulund, Mumbai
- 2] Jijabai Jibhau Vetel,
Age : 64 years, Occupation : Housewife,
R/o : Mulund, Mumbai
- 3] Sunanda Ravindra Marathe,
Age : 36 years, Occupation : Housewife,
R/o : Warkhande Chal, Road No.28,
ITI Circle, Wagle Estate,
Thane [W] .. Applicants

Vs.

The State of Maharashtra .. Respondent

Mr. Joydeep Chatterji, Advocate for the applicants
Mr. V.S. Badakh, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.
DATE : 13/12/2016

ORAL ORDER :

Heard.

2. The applicants apprehend their arrest in connection with Crime no.296 of 2016 registered at Dhule Taluka Police Station, Dist. Dhule for the offences punishable under Sections 306, 498-A, 323, 504, 506 r/w. 34 of the Indian Penal Code.

3. As per the FIR, the son of the applicant nos. 1 and 2 was married with one Seema on 19/4/2008. It is stated by father of said Seema that she was being harassed by her husband and his family members, by stating that she was suffering from some mental disorder. On 5/7/2015, it is alleged that she was asked to leave the matrimonial house, after which she started residing with her parents at Dhule. Thereafter, on 28/9/2016, she consumed poison, on account of which she succumbed to the same on 2/10/2016. On that basis, present offence came to be registered on 5/10/2016.

4. It is submitted by learned counsel for the applicants that the allegations against the present applicants i.e. father-in-law, mother-in-law and sister-in-law of the deceased, are general in nature. It is submitted that prior to 5/7/2015, the deceased was undergoing treatment of a Psychiatrist. Considering the fact that poison was consumed more than 1 year after leaving the matrimonial house, it is submitted that insofar as the applicants are concerned, their custodial interrogation is not warranted.

5. The Application is opposed by learned Additional Public Prosecutor by relying upon the police papers. It is submitted that statements recorded indicate harassment of the deceased. As per the affidavit-in-reply filed by the Investigating Officer, the deceased was undergoing treatment of a Psychiatrist since 2014.

6. Perused the documents filed on record alongwith the police papers. Same indicates that on 5/7/2015, the deceased was compelled to leave the matrimonial house. Since then, she was residing with her parents. In the meantime, her husband, who is not before this Court, had filed proceedings for dissolving the marriage in November, 2015. The deceased had also initiated proceedings under the provisions of Protection of Women from Domestic Violence Act, 2005 against the applicants and her husband.

7. Considering the nature of treatment that was being taken by the deceased since 2014, and even thereafter and in view of the general nature of

allegations, insofar as present applicants are concerned, I am inclined to confirm the interim protection granted to the applicants earlier. Moreover, applicant no.1 is stated to be aged 67 years, applicant no.2 is stated to be aged 64 years, while applicant no.3 resides at her own matrimonial house.

8. In view of aforesaid, the following order:-

ORDER

I) In the event of applicants' arrest in connection with Crime No. 296 of 2016 registered at Dhule Taluka Police Station, Dist. Dhule for the offences punishable under Section 306, 498-A, 323, 504, 506 r/w. 34 of the Indian Penal Code, they shall be released on bail, upon each of them executing P.R. bond of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount.

II) The applicants shall attend the concerned Police Station as and when directed by the Investigating Officer.

III) No steps shall be taken by the applicants to tamper with the material collected by the prosecution.

9. Observations made in this order are only for the purposes of deciding the present Application.

10. Criminal Application is accordingly allowed and disposed of.

Sd/-

[A.S. CHANDURKAR]
JUDGE

arp/