

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 602 OF 2016**

Dropada Maruti Ture	...Applicant
Versus	
The State of Maharashtra	...Respondent

**IN
CRIMINAL APPLICATION NO. 395 OF 2016
IN
CRIMINAL BAIL APPLICATION NO. 602 OF 2016**

Naina Gotiram Mogre	...Intervener
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IN THE MATTER BETWEEN :

Dropada Maruti Ture	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Mohammed Umar Kazi for the Applicant

Mr. Samarth Morey for the Intervener in APPP/395/2016

Ms. Sharmila S. Kaushik, A.P.P for the Respondent-State

API Ms. Vishakha Bajrang Jhende from Kolsewadi Police Station, Kalyan (West), is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 28TH JUNE, 2016

P.C. :

1. Heard learned Counsel for the applicant, learned Counsel for the intervener and the learned A.P.P for the State.

2. By this application, the applicant seeks her enlargement on bail in connection with C.R. No. I-360 of 2015 registered with the Kolsewadi Police Station, Kalyan, Thane, for the alleged offences punishable under Sections 306, 406, 498A, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. The complainant is the mother of the deceased. The complainant has lodged the aforesaid complaint as against the applicant who is the mother-in-law of the deceased, husband, two brothers-in-law, paternal aunt and cousin of the husband of the deceased.

4. The prosecution case rests on the circumstantial evidence. It is alleged by the complainant that all the accused were demanding a sum of Rs. 5,00,000/- from the deceased and co-accused Umesh was also demanding a Unicorn motorcycle. It is alleged that all the accused were abusing and assaulting her. According to the complainant, the deceased had disclosed to her about the ill-treatment and harassment that was being meted out to her by the accused.

5. Learned counsel for the applicant submits that the co-accused Bharat Ture, Naresh Ture and Lalita Manik Dhone and her son Shiva, have

been enlarged either, on anticipatory bail or regular bail. He submits that there are no allegations qua the applicant that she assaulted or abused the deceased. He submitted that the allegations are essentially against Lalita- the paternal aunt of the husband of the deceased, who has been enlarged on bail. He further submitted that the deceased had committed suicide by locking herself in the bathroom and the same is evident from the statement of the neighbour which shows that the door had to be broken open. He submitted that considering the fact that the applicant is a lady, the applicant be enlarged on bail.

6. Learned A.P.P opposed the bail application. Learned Counsel for the intervener submitted that the police had sent a letter dated 23rd October, 2015 to Rukminibai Hospital and had made queries whether the deceased was assaulted with any weapon and that the said report is awaited. He submitted that the death of the deceased had occurred under suspicious circumstances and that the applicant was present in the house at the relevant time.

7. Perused the appears, in particular, the statements of the complainant i.e. the mother of the deceased. It appears that there is a

general allegation qua the applicant along with other co-accused that they were demanding a sum of Rs. 5,00,000/-. It also appears from the supplementary statement of the complainant dated 14th August, 2015 that the allegations are essentially against the co-accused Lalita, who has been enlarged on bail. It also appears from the statement of the neighbour Kishor Raghunath Ghansolkar that the bathroom door had to be broken open where the deceased had committed suicide.

8. Considering the material on record, and the fact that the applicant is a lady, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 11:00 a.m. for a period of one year from the date of her release;
- (iii) The applicant shall not tamper the evidence or attempt to

influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court within two weeks of her release;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

11. In view of the aforesaid order, the intervention application No. 395 of 2016 does not survive. The same stands disposed of.

12. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.