

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 569 OF 2016**

Rghunath Dhondiram Jadhav & Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Umesh R. Mankapure for the Applicants

Ms. Veera Shinde, A.P.P for the Respondent-State

PC Mr. Nitin V. Yadav from Vita Police Station is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 29TH MARCH, 2016

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 96 of 2016 registered with the Vita Police Station, Sangli, for the alleged offences punishable under Sections 498(A), 306, 323, 504, 506 r/w 34 of the Indian Penal Code.
3. The applicant No. 1 is the husband and the applicant No. 2 is the mother-in-law of the deceased. The applicant No. 1 was married to the

deceased on 25th July, 2005. The complainant is mother of the deceased. She has alleged that from 2005 till 2010, the deceased was treated well. According to her, after the deceased delivered a baby girl in December, 2011, the accused started harassing the deceased on account of giving birth to a female child. She has alleged that in August, 2012, the deceased had disclosed harassment at the hands of the applicants to her parents when she went to her parental house for a spiritual programme. It is alleged that again in October, 2014, the deceased gave birth to a female child. It is alleged that the complainant dropped the deceased at her matrimonial home within 2 and ½ months of her delivery. The incident had taken place on 6th March, 2016. According to the complainant, as the applicants have harassed and ill-treated the deceased, she committed suicide.

4. Learned Counsel for the applicants contended that although the incident has taken place on 6th March, 2016, it is only on 12th March, 2016 that the FIR was lodged as against the applicants by the mother of the deceased. It is submitted that a dying declaration was recorded on 7th March, 2016, which exonerates the applicants.

5. Learned A.P.P has produced a copy of the dying declaration made by the deceased in the presence of the doctor to the Special Executive Magistrate.

6. Perused the papers, in particular, the dying declaration made by the deceased. In the said dying declaration dated 7th March, 2016, the deceased has stated that there was a trivial quarrel that took place on that day and being fed up with the quarrel, she poured kerosene on her person and set herself ablaze. In her dying declaration, she has specifically stated that she had no complaints against any person.

7. Considering the aforesaid, the applicants are granted anticipatory bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount;

(ii) The applicant No. 1 shall attend the concerned Police Station

every Saturday from 10:00 a.m. to 12:00 noon, till the filing of the charge-sheet;

(iii) The applicants shall not tamper, attempt to influence or contact the complainant, witnesses or any person concerned with the case.

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

8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

REVATI MOHITE DERE, J.