

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION No.700 OF 2016

Mrs.Usha Balwant Zunjare .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Hrishikesh Giri i/b. Mr.P.M.Patil, Advocate,
for the Applicant
Smt.Veera Shinde, APP, for the Respondent –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 27.04.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant
seeks pre-arrest bail in connection with C.R.No.
115 of 2016 registered with the Kondhwa Police
Station, District – Pune, for the alleged
offences punishable under Sections 306, 323,
498A, 504 r/w.34 of the Indian Penal Code.

3. The Complainant is the father of the deceased. He has alleged that after the marriage of his daughter-Madhvi with co-accused Sandeep Shewale, his daughter started residing with her husband-Sandeep and in-laws. He has alleged that six months after the marriage, the deceased disclosed to him that her husband-Sandeep was an alcoholic and would physically abuse her under the influence of alcohol. He has alleged that the in-laws were demanding money from his daughter for opening a shoe shop. He has further alleged that the present Applicant-the married sister-in-law of the deceased would often visit her matrimonial house and would taunt the deceased stating that the deceased has not brought anything from her maternal house and that she had a dark complexion.

4. Learned counsel for the Applicant submits that the allegations are essentially as against co-accused Sandeep Shewale. He submitted

that the Applicant is the married sister-in-law of the deceased, who stays at Yavatmal, whereas, the incident had taken place at Yavat in Pune. He submitted that the Applicant was not in Pune at the time of the alleged incident of suicide.

5. Learned APP does not dispute the fact that the Applicant was not present at the spot when the deceased committed suicide. However, the allegations of 498A are clearly disclosed qua the Applicant.

6. Perused the papers.

7. Admittedly, the Applicant is the married sister-in-law of the deceased, who was living in her matrimonial home at Yavatmal, whereas the incident has taken place at Yavat in Pune. Admittedly, the Applicant was not present in the house when the alleged incident of suicide took place. Merely because there are

some stray allegations of 498A, the Applicant's custody is not warranted in the facts of the case.

8. Considering the material on record, the applicant is granted anticipatory bail on the following terms and conditions :

ORDER

(i) In the event of arrest, the applicant be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the investigating officer of the Kondhwa Police Station, District – Pune as & when called for by the investigating officer;

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

(iv) The applicant shall inform his 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.

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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)