

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

ANTICIPATORY BAIL APPLICATION NO. 993 OF 2016

Smt. Chaya Ashok Dhole ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Anand S. Patil, Advocate for the Applicant.

Mr. Arfan Sait, A.P.P. for the Respondent – State.

PSI-Mr. Yogesh V. Patil (Kamothe Police Station, Navi Mumbai) is present.

CORAM : A. M. BADAR, J.

DATE : 28th JUNE, 2016

P.C. :

1 The applicant/accused in Crime No. 95 of 2016 for the offences punishable under sections 306 r/w.34 of the Indian Penal Code, registered with Kamothe Police Station, New Mubmai, by this application under section 438 of the Criminal Procedure Code, is praying for pre-arrest bail.

2 The applicant is mother-in-law of deceased Pushpa Amardeep Dhole. Deceased Pushpa committed suicide by hanging herself in her matrimonial house on 02.05.2016.

3 Heard the learned counsel appearing for the Applicant/accused as well as the learned APP for the State. Learned counsel for the applicant/accused argued that both

sons of the present applicant are already behind the bar in this crime and the deceased is having 5 year old child, who is left with the present applicant by her parental relatives. It is further argued that the applicant is suffering from heart ailment for which once she was operated. Learned counsel for the applicant further argued that the allegations in respect of demand of money and resultant cruelty are only against the husband of the deceased and, prima facie, no role is attributed to the present applicant in the crime in question.

4 As against this learned APP argued that on the very day of the alleged incident, there was telephonic conversation between the father of the deceased and the deceased in which the deceased had complained about ill treatment to her. Learned APP further argued that it is seen that on account of demand of money, the deceased was subjected to cruelty by the applicant as well as co-accused.

5 Perused the FIR as well as papers of investigation. Son of the present applicant married deceased Pushpa on 15.05.2009. Perusal of the papers of investigation shows that the husband of the deceased was in real estate business. The averments are to the effect that he used to demand money from the parental relatives of the deceased wife and on failure, the deceased was used to be subjected to cruelty by the co-accused as well the present applicant. The averments in the

FIR go to show that some amount was paid in cash, whereas the amount of Rs.49,900/- was deposited in the account of the son of the present applicant. My attention was drawn to the statement of bank account of the informant, who is brother of the deceased. It is seen that an amount of Rs. 31,500/- was deposited in his account by cash at Kamothe branch. It is argued that the present applicant as well as co-accused resides at Kamothe and it is co-accused - Amardeep who had deposited that amount in the account of informant - Vinayak Tatale.

6 It is seen that the present applicant is suffering from heart ailment and she has undergone operation once for this ailment. Papers of her medical treatment placed on record goes to show that she is on medication. Averments as against her is to the effect that she used to harass her daughter in law i.e. deceased Pushpa.

7 Considering the fact that the applicant is a lady, suffering from serious heart ailment and as nothing is to be recovered from her, her custodial interrogation is not warranted and, therefore, the following order :-

ORDER

- i. The application is allowed.
- ii. Order dated 15th June, 2016, granting ad-interim pre-arrest bail to the Applicant/ accused in Crime No. 95 of 2016 for the offences punishable under

sections 498A and 306 r/w.34 of the Indian Penal Code, registered with Kamothe Police Station, New Mubmai, is confirmed on the same terms and conditions.

- iii. As a condition of this order, the applicant should attend the concerned police station on 3rd July, 2016 between 11 a.m. to 1 p.m. and she should co-operate the investigating officer.
- iv. In addition, the Applicant/accused is directed that she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against her so as to dissuade such person from disclosing such facts either to the Court or to any police officer and that applicant shall not tamper with the prosecution evidence in any manner.
- v. The applicant should co-operate the trial court in expeditious disposal of the trial, in the event of filing of the charge-sheet.

The application is disposed of accordingly.

(A. M. BADAR, J.)