

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1013 OF 2016

Taradevi Prakash Kanojiya .. Applicant
Versus
The State of Maharashtra .. Respondent

Mrs.Mallika A. Ingale i/b. B.L.Jagtap, Advocate for the applicant.

Mr.S.H.Yadav, APP for the Respondent State.

CORAM : P.N. DESHMUKH, J.

DATED : 17th JUNE 2016

P.C. :

1 Applicant – the mother in law of deceased Mamta, who is involved in Crime No.103 of 2016 registered by Kurar Police Station for the offences punishable under Section 304 (b) (2), 306, 498(A) read with Section 34 of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act, has sought anticipatory bail.

2 The learned counsel for the applicant contended that from the entire report lodged by father of the deceased, there is absolutely no ill-treatment or cruelty attributed against the applicant except for contending in the report that there was demand of Rs.5,00,000/- by her husband and his family members which are stated to be already in the police custody.

3 The learned Additional Public Prosecutor opposed the application on the ground that immediately prior to the incident, which has taken place on 05/04/2016 on which date Mamta committed suicide by hanging, she was provided ill-treatment by the applicant and her family members which drove her to commit suicide. Prosecution has thus opposed the applicant for the purpose of further investigation. However, the learned Additional Public Prosecutor, on instructions from the Investigating Officer, makes a statement that there are statements of neighbours recorded, however, none of the witnesses involved any of the accused for demand of dowry.

4 Perused the FIR, wherefrom it reveals that prior to marriage of deceased Mamta with son of the applicant, on 26/11/2014, on their engagement ceremony amount of Rs.2,51,000/- was willingly given by the complainant, who is father of deceased. Similarly, in the marriage, which was solemnized on 01/12/2014, all household articles and gold ornaments were given by her father, as such from the contents it nowhere appears that applicant or any family members had demanded any of such articles or cash or gold ornaments.

5 Contents of FIR appears to be too vague establishing involvement of the applicant in the present case, as it revealed that intermittently Mamta was complaining on phone about some trouble caused to her on the count of her not taking proper care of her in-laws in the marriage, upon which her parents told her not to worry. Similarly, contents of paragraphs 2 and 3 are contradictory to contents of paragraph 5 of the report. Moreover, from further contents of report, it appears that for the first time

complaint with regard to the alleged dowry demand was made by deceased Mamta to her father on 13/01/2016, and thereafter on 01/04/2016, on which day though her father thought of visiting his daughter, for want of time, could not go to see her. On 05/04/2016 at around 3.00 a.m. Mamta committed suicide in her matrimonial home by hanging herself. In view of the contents of report, as aforesaid, and as there is nothing to establish that immediately prior to Mamta committing suicide on 05/04/016 at about 2.30 p.m., applicant had instigated or abetted her to commit suicide, nor the report establish immediate ill-treatment or cruelty provided to Mamta prior to her committing suicide and admittedly as there are no independent witness involving applicant for alleged demand of dowry from deceased applicant or from her relatives as stated by the prosecution, application is allowed as per order below:

- (i) In the event of arrest of applicant involved in Crime No.103 of 2016 registered by Kurar Police Station for the offences punishable under Section 304(b)(2), 306, 498(A) and Section 4 of the Dowry Prohibition Act, applicant shall be released on bail on her executing personal bond in the sum of Rs.20,000/- with one surety in like amount.
- (ii) Applicant shall attend Investigating Officer as and when called till filing of the charge sheet and shall co-operate the investigation. In addition, applicant shall attend Karur Police Station on first day of each month till filing of charge sheet.

(P.N. DESHMUKH, J)