

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.1021 of 2016

Jaspreet Kaur Arora ... **Applicant**

V/s.

The State of Maharashtra ... Respondent

.....

Mr.Ashish B. Baraskar, Advocate for the applicant.

Mr.Ashish A. Dubey, Advocate for the Intervenor.

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

Mr.Nitin Bhikaji Vijaykar, Investigating Officer, PI Antop Hill Police Station, Mumbai is present.

• • • •

CORAM : P. N. DESHMUKH J.

DATED : 18th JULY 2016.

P.C.

1 Heard learned counsel for the parties. Applicant involved in Crime No.110 of 2016 registered by Antop Hill Police Station, Mumbai for the offence punishable under Section 306 of the Indian Penal Code, has sought anticipatory bail.

2 Above offence came to be registered on the basis of report lodged by Gurubachansingh father of deceased Nilam Kaur on 06/04/2016 in respect of incident of deceased committing suicide by setting her person on fire on 09/01/2016. Deceased Nilam Kaur is wife of brother of applicant's husband.

3 Perused the FIR. From its contents, it is apparent that three years prior to lodging of FIR, deceased had complained to her father, about ill-treatment provided to her by co-accused Devendra-her husband and accordingly complainant on contacting co-accused Indrakaur, mother-in-law of deceased, he learnt of applicant having indulged in illicit relations with Devendra-husband of deceased. Thus, it is the case of prosecution that deceased, on this count, was under mental stress and in that circumstance, on 09/01/2016 committed suicide in her matrimonial home. Fact of deceased committing suicide was informed by the complainant on the same day and according to the FIR, as complainant is heart patient and was under the grief of the sad demise of his daughter, belated FIR came to be lodged on 06/04/2016 after having consultation with the family members.

4 On plain reading of FIR, it thus reveals that same is lodged after about three months from the date of incident and, according to its contents, the reason for deceased Nilam Kaur committing suicide is of her husband's having indulged in illicit relations with applicant, that too about three years prior to the incident. There is nothing on record to show what steps were taken by the complainant with reference to such alleged illicit relations of applicant with co-accused No.1, who admittedly is stated to be released on bail by the learned Sessions Court. Similarly, accused No.3 mother-in-law is also granted anticipatory bail.

5 On perusal of impugned order, application for anticipatory bail appears to be rejected on the ground that applicant is directly connected with the allegations in the complaint and thus, her custodial interrogation is necessary. However, the reasons put forth as above does not find to be convincing as the alleged illicit relations of applicant with husband of deceased are stated to be since prior to three years of incident of deceased committing suicide.

6 Moreover, applicant is protected by interim orders by the learned Sessions Court on dated 13/04/2016 with directions to attend Investigating Agency and has accordingly complied with the same. It further reveals that her application for anticipatory bail was rejected on 16/06/2016 and was further protected till 18/06/2016 by the Sessions Court and by this Court from 21/06/2016.

7 Having considering the facts, as aforesaid, and as there is nothing on record to establish involvement of applicant to instigate or aid deceased to commit suicide, immediately prior to incident, application is liable to be allowed as per order below :

- (i) In the event of arrest of applicant in the present crime, she shall be released on bail on her executing personal bond in the sum of Rs.20,000/- with one surety in like amount.

- (ii) While on bail, applicant shall attend Investigating Officer as and when called till filing of charge sheet, and shall not tamper with the investigation.

8 Application is disposed off.

(P. N. DESHMUKH J.)