

3 Learned counsel for the applicant has contended that
the incident took place on 22nd December 2014 on which date
deceased Urmila died by coming under train at Vashi, and initially
offence was registered vide A.D.No.00/14 and thereafter on 26th
December 2014 on the basis of report dated 26th December 2014

lodged by Radhika – sister of deceased, present crime came to be registered on 4th January 2015.

4 It is contended that there are no allegations against either of the applicants establishing their involvement in the present crime, and it is thus prayed that applicant no.1 being 66 years old, and applicant no.2 who is sister-in-law of deceased since is a resident of Borivali are in no way involved in the present crime, and be thus protected from pre-arrest bail.

5 Learned APP opposed the application on the ground that there is sufficient evidence against both the applicants establishing cruelty provided by them to deceased till she committed suicide.

6 On considering the contents of FIR, there is nothing to establish that either of the applicants were instrumental in providing cruelty to deceased who was married with co-accused Kshitij in the year 2011, and both were working in an Insurance Company, as it is stated by complainant that few days after the marriage, deceased on telephone had informed her that her mother-in-law invites quarrels with her on trivial issues, and applicants and her husband instigate her mother-in-law to provide ill-treatment. Further contents of report are in respect of one incident dated 13th December 2014 on which date applicants had visited deceased at her parental house at Wai, District Satara where, on the issue of saree, they had invited some quarrel, and on the following day, deceased went to her matrimonial home at Malad.

7 Considering the contents, as aforesaid, there appears no sufficient evidence establishing involvement of applicants in the present crime. Admittedly, mother-in-law of deceased is yet to be arrested. Learned APP, on obtaining instructions from Investigating Officer, has submitted that during the course of investigation in A.D No.00/14, it has been revealed that deceased died accidentally on coming under the train. In view of said investigation, provisions of section 306 of the IPC also do not *prima facie* appears to be attracted. Learned trial Court has rejected the application holding that Custodial Interrogation of both the applicants is necessary.

8 In that view of the matter, application is liable to be allowed by imposing suitable conditions upon the applicants as per order below :

ORDER

In the event of arrest of applicant no.1 Bhaskar Natwarlal Dave and applicant no.2 Payal Hadkar involved in Crime No.I-3.15 registered with Dindoshi Police Station for the offence punishable u/s.306, 498A r/w Section 34 of the IPC, they shall be released on bail on their executing PR. Bond in the sum of Rs.15,000/- each with one surety each in like amount.

The applicants while on bail shall attend Investigating Officer initially from 25th June 2016 to 27th June 2016 between 11.00 am to 2.00 pm, and thereafter, as and when called till filing of charge-sheet.

Applicant shall not tamper with the investigation.

(PN. DESHMUKH, J)