

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1228 OF 2016

MRS.KIRTIDA BHASKAR DAVE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.A.R.Sutrale, Advocate for the Applicant.

Mrs.Rutuja Ambekar, APP for the Respondent – State.

A.P.I. Mahesh P. attached to Dindoshi Police Station, present in court.

CORAM : P N. DESHMUKH, J.

DATE : 22nd JULY 2016.

P.C. :

1 Issue notice to respondent. Learned APP accepts notice on behalf of respondent – State and seeks time to obtain further instructions. Investigating Officer Mahesh Patil is present with case diary as well as case papers in A.D.No.207 of 2014 initially registered by Vashi Railway Police Station. Applicant who is mother-in-law of deceased Urmila has sought anticipatory bail in Crime No.3 of 2015 registered by Dindoshi Police Station on 4th January 2015 for the offences punishable under Sections 306 and 498A read with Section 34 of Indian Penal Code.

2 Admittedly, death of Urmila is by coming under railway which tragic incident has occurred on 22nd December 2014 at Vashi Railway Station and thus A.D.No.207 of 2014 was registered. During the course of investigation in said crime, involvement of applicant and other family members since revealed, Crime No.3 of 2015 as aforesaid

came to be registered. Learned counsel for applicant has contended that from the contents of FIR, it can be said that no provisions as aforesaid in the FIR can be applied as there are no specific contentions involving applicant therein. It is also contended that co-accused, who is father-in-law and sister-in-law of deceased are already released on anticipatory bail by this court and husband of deceased is in custody. It is therefore prayed that application be allowed.

3 From the contents of report lodged by Radhika Pawar, elder sister of deceased, it is revealed that deceased had married son of applicant, namely, Kshitij Dave, against the wish of his parents, as both belonged to different communities. On perusal of entire report, allegations made therein appear to be much prior to the incident which has occurred on 22nd December 2014 and are too general as it is stated that few days after her marriage, deceased had informed complainant on phone that applicant was providing ill-treatment to her on minor issues and invites quarrel with her without any reason.

4 It is further stated that on 13th December 2014 i.e. about 8 to 9 days prior to the incident, when applicant along with her husband, son i.e. husband of deceased and her sister-in-law visited Wai in District Satara to see the deceased, who had then delivered a child, they all, on trifle issue of saree, invited quarrels with her. Contents of FIR are silent as to who among them invited quarrel on that issue. It further reveals that on the following day, deceased left Wai and went to Mumbai. Complainant was thereafter in contact with her on phone when deceased is stated to have informed her that applicant taunts her and

asks her to do more household work. Contents of report as such, do not prima facie attract any incidents establishing ill-treatment to the deceased, as only allegations are that applicant was taunting her and asking to do more household work etc.

5 Moreover, on perusal of documents in the A.D.No.207 of 2014 consisting of SMS, dated 22nd December 2014, alleged to have been sent by deceased to her husband reveals that one of such SMS is to the effect that “Sorry everyone except ur mom”, however, this SMS by itself cannot directly be linked with or used against applicant nor can said to be sent due to ill-treatment provided to deceased, more particularly when, there also appears other SMS of the same day to the effect that “Nobody should be held responsible for the death of deceased.”

6 Having considered facts as aforesaid, application is liable to be allowed by imposing conditions upon applicant as per order below :

- i) In the event of arrest of applicant in Crime No.3 of 2015 registered with Dindoshi Police Station, she be released on bail on her executing P.R.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 charge-sheet, by issuing notice to applicant, sufficiently in advance.

(P N. DESHMUKH, J.)