

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1448 OF 2016

Sou. Vandana @ Nirmala Aba Mohite. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Dilip Bodake, advocate for Applicant.

Mr. S.S. Pednekar, APP for State.

Mr. S.M. Shinde, ASI, Yavat Police Station.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : AUGUST 20, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending her arrest in Crime No. 157of 2016 registered at Yavat Police Station for offence punishable under Section 498A, 306, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 21st March, 2016 Ravindra Mhaske lodged a report at the police station alleging there in that his sister Vidya was married to the brother of the applicant 14 years ago. She was residing in a joint family at village Walki. It is further alleged that his sister had informed him on several occasions that she is being harassed and ill-treated by her in-laws and her husband and the present applicant on the ground that she is not efficient in carrying out the domestic chores. She was also assaulted by her in-laws. On 20th March, 2016 Vidya had allegedly called upon the complainant and informed him that she is being assaulted by her husband and mother-in-law and therefore, he should take her home. On 21st March, 2016 Vidya had committed suicide by hanging. When the complainant reached the house of the sister, he found her dead. However, he had noticed that there were several injuries on her person in the nature of abrasions and contusions. On the basis of his report, Crime No. 157 of 2016 was registered.

4 It is submitted that the mother-in-law i.e. mother of the present applicant as well as her brother i.e. husband of the deceased were arrested and have been enlarged on bail by the learned Sessions Court. Learned APP submits that the said order granting bail has not been challenged by the prosecution.

5 The order passed by the learned Sessions Judge dated 10/5/2016 would indicate that the custody of the present applicant is required for fair and proper investigation.

6 It is a matter of record that the present applicant is married sister-in-law of deceased, who was residing at Phaltan, whereas the deceased had committed suicide at Walki. It is pertinent to note that it is the case of the complainant that on 20th March, 2016 the deceased was brutally assaulted by her husband and mother-in-law. The inquest panchanama as well as the post mortem notes would clearly indicate that the deceased had sustained several injuries on her person and it is clear that she had no other alternative, but to

commit suicide, since the complainant had failed to fetch her to her maternal house. It is a sorry state of affairs that husband of the deceased was enlarged on bail.

7 In any case, custodial interrogation of the present applicant would not be necessary as it appears from the impugned order that there is an allegation that the applicant had sent legal notice to the deceased and had demanded her share in agricultural land and because of that, there was quarrel and Vidya had committed suicide. It is pertinent to note that the sister of the husband of the deceased would demand her share in the property from her mother and brother and not from the deceased. The notice would be found in the house of the deceased and not in the custody of the present applicant and therefore, custodial interrogation would not be imperative. In view of the above, the applicant deserves pre-arrest bail.

7 However, it is made clear that the observations made hereinabove are prima facie in nature and shall not be considered for

the purpose of quashing of FIR, discharge application or at the time of trial. The learned trial Court shall decide the matter on its own merits. These observations are restricted to an application under Section 438 of the Code of Criminal Procedure, 1973.

8 Hence, following order is passed:

ORDER

- (i) The Application is allowed.
- (ii) In the event of arrest in C.R. No. 157 of 2016, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- and one or two sureties in the like amount.
- (iii) The applicant shall report to the concerned police station as and when called by the Investigating Officer by issuing notice under Section 160 of the Code of Criminal Procedure, 1973.
- (iv) The applicant shall not tamper with the evidence.

(v) The applicant shall furnish his residential address as well as contact number such as landline number, cell phone number etc. to the concerned Investigating Officer.

9 The Application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)