

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1557 OF 2015

Sunita Anil Sonawane ... Applicant
vs.
The State of Maharashtra and Another ... Respondents

Ms. P.A. Borade, for the Applicant.
Mr. S.H. Yadav, APP for Respondent – State.
Mr. A.G. Toraskar, for the Complainant/Respondent No. 2.
PSI. Mr. B.V. Avasare, Kalyan police station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **21st MARCH, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 498(A) and 406 read with 34 of the Indian Penal Code in C.R. No. I-187 of 2015 registered with Kalyan police station, Dist. Thane. The offence is registered at the instance of Archana Vishal Sonawane, the daughter in law of the applicant/accused on 11th August, 2015.

2. It is the case of the prosecution that the complainant got married with the co-accused Vishal Sonawane on 4th May, 2014. Her parents have given various gold ornaments at the time of her marriage. She started living with the co-accused/husband. It is the case of the complainant that in December, 2014 there was demand of Rs. 60,000/- by her husband and her mother in law to purchase a motor-cycle from her parents. Therefore her father gave Rs. 60,000/-. It is the case of the complainant that her sister in law used to harass her and instigate her mother in law-applicant to demand more money. In April, 2015 her sister in law Reshma came to stay at her home and it is her case that on 9th April, 2015 Reshma and the applicant/accused assaulted her. She became unconscious at that time. Therefore, she was admitted to Nilkanth hospital, Titwala. At that time, her gold ornaments were taken out by her in mother in law from her person when she was unconscious. She was discharged from the hospital on 11th April, 2015. Thereafter, she went to her parent's house and gave complaint against her husband and applicant/accused.

3. The learned counsel for the applicant/accused submits

that the applicant is innocent. The charges levelled against her are not true. On 11th April, 2015 the applicant/accused was also admitted in the hospital and he relied on the medical report of the applicant/accused that she was in hospital with the history of chest pain. The applicant/accused is on interim pre arrest bail and attending the police station.

4. The learned prosecutor and the learned counsel for the complainant submitted that there was continuous demand of money by the applicant/accused and co-accused from the complainant. Her gold ornaments are with the applicant/accused and her husband. It was submitted that the matter was sent for the mediation. However, the parties could not arrive at an amicable solution. There is dispute in payment of money.

5. Perused all the documents. No injury certificate is produced along with the papers of the complainant. The complainant was admitted in the hospital for two days. The husband of the complainant was arrested and thereafter released on bail. The applicant/accused is the mother in law of the complainant. The

incident of assault has taken place in the month of April, 2015 however first information report is dated 11th August, 2015. The applicant/accused being an aged woman, her custodial interrogation is not required. Considering all the above circumstances, I am inclined to grant pre arrest bail to the applicant/accused on the following terms and conditions:

- a) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 20,000/- with one or two solvent sureties in the like amount;
- b) The applicant shall not tamper with the evidence or pressurize the complainant.
- c) The applicant shall cooperate with the Investigating Officer and shall attend the concerned police station twice i.e. tomorrow dated 22nd and 28th March, 2016 between 10.00 am to 12.00 noon.

6. The anticipatory bail application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)