

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

ANTICIPATORY BAIL APPLICATION NO.39 OF 2017

Samadhan Supdu Sangale & Anr. Applicant

versus

The State of Maharashtra ... Respondent

Mr.Amey Deshpande, Advocate for the Applicant.

Mrs.N.S. Jain, APP for the State/Respondent.

PSI Mr. S.V. Khandagale (Malegaon Taluka Police Station).

CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 10th JANUARY, 2017.

P.C. :

1. The applicants/accused are prosecuted under section 306, 304-B, 498-A, 323, 504, 506, 406 r/w 34 of IPC. It is the case of prosecution that the applicants are in-laws of deceased who got married with their son Abhishek. After marriage she was harassed by her husband and applicant/accused on account of demand of money from her parents. She was insulted often on account of financial status of her father. There was demand of Rs.20,000/- to purchase bulls. Her husband used to beat her and applicants/accused and co-accused used to instigate him. The son-in-law Abhishek demanded money from the complainant, i.e. father of the deceased and in the month of September the complainant

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deposited the amount of Rs.10,000/- in the account of the father-in-law i.e. applicant/accused No.1 on 10/04/2016. When Co-accused Abhishek alongwith deceased Rohini visited the house of the complainant, Abhishek demanded Rs.1,50,000/- to purchase Indica Car. However, the father expressed his inability for the said amount, as he could not yet satisfy the loan which he borne for celebrating wedding of his daughter. Abhishek threatened the complainant that he would decide the fate of his wife and thereafter on the same day at night at around 11.00 a.m. the complainant was informed that his daughter died due to drowning in the well and when the complainant went to the house of the applicants/accused he found that the dead body of his daughter Rohini was floating in the well. So he gave complaint. The offence was registered against the applicants/accused and co-accused.

2. The learned counsel for the applicants/accused has submitted that applicants/accused are innocent. They have not committed any offence as alleged. He further submitted that the applicant/accused No.1 is the father-in-law and who had helped the complainant to buy seeds and therefore the said amount of Rs.10,000/- was paid to the applicant/accused No.1. He further

submitted that the main charges of harassment and demand are against Abhishek, the husband and he is taken in custody and prays for bail.

3. The learned prosecutor opposed application. She relied on the statement of the complainant and other witnesses. She also relied on the post mortem report.

4. Perused the FIR, the statements of brother and mother of the deceased. The incident of death has occurred within one year of the marriage. Deceased Rohini used to complain about the behaviour of the husband and in-laws to her parents and brother. It appears that there was continuous demand of money from Abhishek, the husband. However, the amount of Rs.10,000/- was deposited by the brother of the deceased in the account of applicant/accused No.1 i.e. the father-in-law. The Post Mortem report disclose that though death of deceased is by drowning, some greenish fluid of a peculiar odour was found in the stomach of the deceased and therefore cause of death is still uncertain and to be detected. The allegations against accused No.2 Nandabai, mother-in-law are of general harassment of torture and taunting.

5. This is the first date of application. As the investigating officer is present with the papers of investigation, I decide this application finally. No pre-arrest bail is granted to the applicant/accused No.1 i.e. the father-in-law. However, pre-arrest is granted for applicant No.2 i.e. mother-in-law Nandabai as follows:

ORDER

- (i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.40,000/- with one or two sureties in the like amount.
- (ii) The applicant/accused shall cooperate with the Investigating Officer and attend the concerned police station on every Monday and Thursday between 10.00 a.m. to 01.00 p.m. for one month.
- (iii) The applicant/accused shall not tamper with the evidence or pressurize the complainant.
- (iv) The applicant/accused shall not indulge into any criminal activity.

6. The application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)