

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION No. 70 OF 2017

1. Sou. Shobha Balbhim Bhole
2. Sou. Chitra @ Kavita Shankar Goud
3. Sou. Usha Rajendra Warghad ... Applicants
Vs.
The State of Maharashtra ... Respondent

Mr. Kuldeep Patil i/b. Mr. Prashant S. Hagare, Advocate for the applicants.
Mr. Vinod Chate, APP for the respondent/State.
Mr. Gajanan J. Gajbhare, P.S.I., Walchandnagar Police Station, Pune
rural present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **12th January, 2017.**

P.C.:

This Application is moved by the applicants/accused for bail under section 439 of Criminal Procedure Code. The applicants/accused are facing charges under sections 498A, 306, 323, 504 and 506 r/w. 34 of the Indian Penal Code in C.R. No. 367 of 2016 registered with Walchandnagar Police Station, Pune. The offence is registered at the instance of one Manoj Haridas Khandagale, who is brother of deceased Mohini, on 18th December, 2016.

2. It is the case of the prosecution that Mohini got married with co-accused Amit Bhole on 14th March. 2016. After marriage she started residing with her husband. Nearly for 5 months she was treated well. On 16th August, 2016 when Mohini visited her maiden home for festival, she

informed her brother and mother that her mother-in-law Shobha Bhole, sister-in-law Chitra Gund and maternal mother-in-law Usha Warghad harassed her. They picked up quarrel with her. However, the complainant and her mother told her to be cool and to adjust. She went to her husband's house and two days thereafter she telephonically informed that she has been tortured by mother-in-law, maternal mother-in-law, sister-in-law and her husband. So the complainant visited the house of Mohini at Kalamb, Taluka Indapur and he explained the situation to the applicants/accused. Thereafter Mohini visited her maiden home for Diwali, at that time, she informed that her husband Amit told her to bring Rs. 5,00,000/- to buy four wheeler and when she expressed her inability to bring the money, her husband assaulted her. The applicants/accused also used to torture her by abusing. She was not given food, so it was difficult for her to survive. She informed all these facts to her mother and brother. When her husband Amit arrived at the house of complainant to take Mohini back after Diwali, he demanded money directly to the complainant and then threatened that he would not send Mohini to her maiden home unless the money is paid. On 15th December, 2016 there was function in the house and so complainant had invited his sister. However, she informed her brother that her mother-in-law and husband did not allow her to attend the function. On 16th December, 2016 the complainant received information that his sister Mohini had hanged herself and she is dead.

Hence, he lodged complaint against the applicants/accused and her husband Amit Bhole. The applicants were arrested on 26th December, 2016. Hence this Bail Application.

3. The learned counsel for the applicants has submitted that all the applicants/accused are women and they have not committed any offence. The major charges of torture and demand of money are against the husband. The applicants/accused are not involved in the offence. The learned counsel submitted that applicant no. 1 is mother-in-law, applicant no, 2 is sister-in-law and applicant no. 3 is maternal mother-in-law of the deceased. He submitted that applicant nos. 2 and 3 are married and they are not staying along with the mother-in-law/applicant no. 1. Thus, as they are staying in separate residence, there is no question of their residing together and torturing the deceased. He submitted that applicant no. 2 is having two minor children and they are to be looked after.

4. Learned APP opposed the Bail Application and submitted that as per the complaint, applicant nos. 1, 2 and 3 used to harass the deceased and specific charges are levelled against the applicants/accused. Learned APP submitted that charge sheet is not yet filed.

5. Perused the FIR. As per the case of the prosecution, deceased was

tortured which led her to take decision to end up her life. She committed suicide within a year from the date of her marriage. In the complaint, her brother has specifically mentioned that deceased Mohini told him and his mother the incident of torture and demand of money. The demand of money was directly made by the husband of the deceased. Specific allegations of torture and abuse are made against the applicant/accused Shobha Bhole. The charge sheet is not yet filed. Hence, I am not inclined to grant bail to applicant no. 1 Shobha Balbhim Bhole. The prayer of applicant no. 1 for bail is rejected. However, she may file fresh application after filing of the charge sheet.

6. Applicant no. 2 Chitra @ Kavita Shankar Gund though was staying in the same house due to her husband's job, she is mother of two minor children and Applicant no. 3 Usha Rajendra Warghad is married and staying away from the residence of deceased, hence I grant bail to applicant no. 2 Chitra @ Kavita Shankar Gund and applicant no. 3 Usha Rajendra Warghad on the following terms and conditions

ORDER

- (i) Applicant no. 2 Chitra @ Kavita Shankar Gund and Applicant no. 3 Usha Rajendra Warghad be enlarged on bail on furnishing P.R. Bond in a sum of Rs.30,000/- each with one or two sureties in the like amount;

- (ii) Applicant nos. 2 and 3 shall not pressurize the witnesses or harass the complainant.
- (iii) Applicant nos. 2 and 3 shall attend the concerned police station as and when called.
- (iv) Applicant nos 2 and 3 shall not abscond or leave India without prior permission of the Court and furnish their permanent address to the Investigating Officer alongwith documentary proof of their address;
- (v) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

7. The Application for bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)