

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 307 OF 2017

Mrs. Ratnawali P. Kirloskar.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. R.B. Mokashi, advocate for Applicant.

Ms. J.S. Lohakare, APP for State.

CORAM : SMT. SADHANA S. JADHAV, J
DATE : FEBRUARY 17, 2017

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 his arrest in Crime No. 627 of 2016 registered at Manpada Police Station for offence punishable under section 498A, 306 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 7/10/2016 Mrs. Hira Mahadeo Gurav lodged a report at the police station alleging therein that her daughter Neelam was married to the present applicant on 8/12/2013. It is alleged that there used to be trifling quarrel between the couple over small issues such as ignoring the upkeep of their daughter etc. It is allege that Neelam had disclosed to the first informant that she was being harassed at the hands of the present applicant who happens to be her married sister-in-law. It is alleged that she used to take infant child to her own house and would not let Neelam to feed her child. On 23/11/2016, the present applicant had allegedly informed the brother of Neelam that she(Neelam) had fallen sick and therefore, was admitted in the hospital. When they went to the hospital, upon enquiry, it was revealed that she had consumed some poison and she was admitted in the ICU. She was admitted in KEM hospital on 29th November, 2016 and on 6/12/2016 Neelam had succumbed to the said poison.

4 The learned Counsel for the applicant submits that the applicant has been falsely implicated. Initially, the offence was registered only under section 498A of the Indian Penal Code. The learned Counsel submits that the applicant happens to be the married sister of husband of deceased and she did not interfere with the family affairs. However, she has been falsely implicated by virtue of being close relatives.

5 In view of the guidelines of the Hon'ble Supreme Court in the case of **Arnesh Kumar v/s. State of Bihar (2014) 8 SCC 273**, the applicant herein deserves to be granted pre-arrest bail.

6 However, the observations are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and shall not be considered while deciding application for quashing of FIR or discharge or at the time of trial.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 627/16 registered with Manpada Police Station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more solvent sureties in the like amount.
- (iii) The applicant shall attend the concerned police station as and when called and cooperate with the investigating agency to the best of her capacity.

8 The applicant is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)