

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1238 OF 2017

Smt. Sonali Abhaysinh Mache .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.P.G.Jagdale, Advocate, for the Applicant
Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 18.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.457 of 2017 registered with the Lonikand Police Station, Pune(Rural), for the alleged offence punishable under Section 306 of the Indian Penal Code.

3. Learned counsel for the Applicant states that the Applicant is the wife of the deceased – Abhaysinh and the Complainant is the father of the deceased and father-in-law of the Applicant. According to the Complainant, his son – Abhaysinh committed suicide and that the

Applicant was responsible for the same. He has alleged that the Applicant would quarrel with his son and that she had left the house alongwith their minor daughter. According to the Complainant, the Applicant was a short tempered lady, would spend a lot on shopping and would spend long hours talking on the phone to her relatives. The Complainant has also alleged that the Applicant would insult Abhaysinh, pursuant to which Abhaysinh committed suicide on 05.06.2017. A perusal of the suicide note shows that the deceased has stated that the Applicant was responsible for his death. No doubt, the incident is unfortunate, but, in the facts, it appears that there was some matrimonial dispute between the Applicant and the deceased. In the facts, prima facie, it is doubtful whether an offence punishable under Section 306 of the Indian Penal Code, is made out qua the Applicant.

4. In the peculiar facts of this case, custodial interrogation of the Applicant is not required. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.10,000/-** with one or two sureties

in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station **as & when called for** by the investigating officer;

(iii) The Applicant to cooperate with the conduct of the trial.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)