

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1601 OF 2016
WITH
CRIMINAL APPLICATION NO. 918 OF 2016

Smt. Leelavati Mahadev Ovhal & Anr. Applicants
Versus
State of Maharashtra Respondent
through Kurar Police Station, Mumbai.

AND

ANTICIPATORY BAIL APPLICATION NO. 1607 OF 2016
WITH
CRIMINAL APPLICATION NO. 919 OF 2016

Smt. Jyotsna Nagsen Waghmare Applicant
Versus
State of Maharashtra Respondent
through Kurar Police Station, Mumbai.

Mr. Samarth S. Karmarkar for Applicants (in Both Applications).
Ms. Meghna Goyalani I/b. Mr. Ganesh Gole for Intervener (in both Applications).
Ms. Veera Shinde, APP for Respondent/State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 30TH JANUARY, 2017.

P.C.

. Heard learned counsel for the applicants. The applicant in ABA No. 1607/2016 appears to be the wife of Nagsen Waghmare

and applicants in ABA No. 1601/2016 happens to be the mother-in-law and brother-in-law of deceased Nagsen.

2. It is the case of the prosecution that on 14th August, 2016 Sandipan Waghmare lodged report to the police station alleging therein that his son Nagsen was married to Jyotsna in the year 2012. There used to be quarrel between the couple. It is alleged that Jyotsna was insisting upon purchasing a new house at Mumbai. Due to quarrel between the couple, Nagsen had receded into depression. That on 13th August, 2016 Nagsen committed suicide by hanging himself in his house. According to the complainant, applicants herein had extended cruelty and illtreatment to the deceased Nagsen, and therefore, he had committed suicide. The papers of investigation do not indicate that applicants herein had abetted, facilitated or instigated to Nagsen to commit suicide and they are not responsible for the same. It is in these circumstances that the interim relief granted in favour of the applicants vide order dated 19th September, 2016 and 20th September, 2016 deserves to be confirmed on same terms and conditions.

3. The learned APP submits that the investigation is completed and charge sheet is filed. Observations are restricted to an application under Section 438 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial. Hence, the following order.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, the applicants be enlarged on bail on furnishing P. R. Bonds in the sum of Rs. 50,000/- each with one or more local solvent sureties in the like amount.
- (iii) Both Anticipatory Bail Applications stand disposed of.

4. Intervention Application Nos. 918/2016 and 919/2016 are heard, allowed and disposed of.

(SMT. SADHANA S. JADHAV, J.)