

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1795 OF 2016

1. Bajirao Vishnu Jadhav		
2. Alka Bajirao Jadhav	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

WITH
CRIMINAL APPLICATION No. 970 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO. 1795 OF 2016

Patangrao Pandurang Patil		Intervener
in the matter between		
1. Bajirao Vishnu Jadhav		
2. Alka Bajirao Jadhav	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. Umesh R. Mankapure, Advocate for the applicants.
 Ms. S.S. Kaushik, APP for the respondent/State.
 Mr. Makarand M. Kale, Advocate for the intervener.
 Mr. J. Mehaboob Shaikh, P.S.I., Walwa Police Station, Sangli.

CORAM: **MRS.MRIDULA BHATKAR, J.**
 DATE: **16th January, 2017.**

P.C.:

This Application is moved for pre-arrest bail under section 438 of Cr.P.C. The applicants/accused are in-laws of deceased Shailaja, who got married with co-accused Abhijit on 18th December, 2011. After marriage she started residing with her husband and in-laws at Taluka Walwa, District Sangli. After marriage she was treated well for 6 months. Thereafter when she came home, she complained that her husband, mother-in-law and father-in-law are demanding money to buy plot and a

new motorcycle for her husband. There was not only demand of money of Rs.10 lakhs from her husband and in-laws but she was abused and beaten up by them. So, her father Patangrao Patil went to the house of his daughter and paid Rs.50,000/- to Abhijit and promised that he would pay more money. In May, 2013 Shailaja delivered a baby girl at maiden home, however, her husband did not take her back to Walva, as demand of Rs.10 lakhs was not fulfilled. It is the case of the prosecution that in the month of December 2013 and thereafter from time to time her husband and in-laws demanded money from Shailaja and she communicated this fact to her father. Again, her father and brother came to her house and gave Rs.30,000/- to Abhijit and requested him not to harass his daughter. In May 2016 Abhijit left her at her maiden home by telling that her character was suspicious and then after few days on request, her in-laws and husband took her back to Walva. It is the case of the complainant that whenever he used to contact his daughter, the manner in which she used to speak, he found her at pressure. On 19th September, 2016 at around 12 noon Shailaja phoned her mother from the cell phone of her husband and asked her about the visit of her father to Walva. Again at 4 p.m. she phoned her mother and confirmed whether her father would be coming on the next day or not, as her daughter was remembering him. At around 6.45 p.m. on the same day co-accused Abhijit informed her father that Shailaja is no more as she has committed suicide. Therefore, her father gave information to the police and pursuant to the information, the offence

was registered against the applicants/accused and her husband at C.R. No. 113 of 2016 registered with Astha Police Station, Sangli punishable under sections 498A, 304B, 306, 323, 504, 506 r/w. 34 of Indian Penal Code.

2. The learned counsel for the applicants/accused has submitted that the applicants/accused have not committed any offence. They did not harass the victim in any manner. The victim Shailaja was given freedom and she was pursuing the course of Food Processing in one Dr. Bapuji Salunkhe College, Miraj. He submitted that she was having her cell phone and she used to talk with her parents. She committed suicide only because there was some problem between the husband and wife, as her husband was suspicious about her character. The learned counsel relied on number of photographs disclosing that the victim was happy in family and has participated in different family functions. He further submitted that the case of the prosecution that they have CD of the statement of the child of victim and Abhijit is manipulated. The small girl is staying with the complainant and she is tutored. He submitted that after the news of suicide by Shailaja, both the applicants had suffered shock due to which they were admitted in the hospital and remained in ICU for 15 days. Their BP was shot up. The learned counsel submitted that co-accused Abhijit was arrested and is released on bail. As there is no evidence against the applicants/accused, they are entitled to pre-arrest bail.

3. Learned APP opposed the Application and submitted that the applicants/accused are in-laws. There are specific allegations against them that they harassed the victim by demanding Rs.10 lakhs to buy the plot and new motorcycle. It is submitted that victim committed suicide and it is case under section 498A, 304B and 306 of Indian Penal Code, therefore, the Application for pre-arrest bail be rejected.

4. Perused the FIR, certificates, admission card of Shailaja in the College where she was taking education and so also the photographs and other documents. The postmortem report discloses that Shailaja died due to asphyxia due to strangulation. On perusal of postmortem report, it is surprised that why medical officer has not given any opinion, however, in paragraph 17 it is mentioned that ligature marks over the neck, above thyroid cartilage were seen more prominent on left side and less prominent on right seen. After going through the FIR, it shows that on the day of incident, i.e., 19th September, 2016 deceased phoned twice to her mother at 12 noon and 4 p.m. Thereafter at 6.45 p.m. co-accused Abhijit informed that Shailaja committed suicide. Shailaja is having 3 to 4 years daughter. The statement of father of deceased Shailaja discloses that Shailaja was harassed in various ways, as demand of money could not be fulfilled. Though the photographs which are relied by the learned counsel for the applicants/accused show that Shailaja was smiling and had participated in some family functions, *prima facie* it cannot be said that

there was no harassment or torture as alleged. Considering the allegations made against the applicants/accused, I am not inclined to entertain this Application for pre-arrest bail. Hence, Anticipatory Bail Application is rejected.

5. Criminal Application No. 970 of 2016 is accordingly disposed of.

(MRIDULA BHATKAR, J.)