

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

ANTICIPATORY BAIL APPLICATION NO.2170 OF 2016

Smt.Kantabai R. Bhosale & Anr. ... Applicants

Vs.

The State of Maharashtra .. Respondent

Mr.P.M. Patil for the Applicant
Mr.Rajan Salvi, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 23, 2017

P.C. :

1. The application is moved for pre-arrest bail under section 438 of the Criminal Procedure Code as the applicant/accused is facing charges under section 306 r/w section 34 of the Indian Penal Code. The applicant/accused No.1 is the mother in law of the deceased and applicant/accused No.2 is the wife of the deceased. The complainant is the father of the deceased, who has stated that the deceased Vijay got married with Lalita i.e., applicant/accused No.2, on 20.12.2013. Thereafter, they started residing together. It is stated that the applicant/accused No.1 mother in law had demanded Rs.40,000/- and the deceased Vijay

had lent her Rs.40,000/-. However, whenever he demanded the said money, she never returned but she used to abuse him. The applicant/accused wife also used to go and stay with her mother and both of them used to harass him. He was fed up with life and ultimately committed suicide on 23.8.2016. Thereafter, Gnyaneshwar N. Ubhe, the father of the deceased, approached the police and gave information to them on 22.11.2016, pursuant to which the offence was registered at C.R. No.689 of 2016 at Wakad Police Station, Pune.

2. The learned Counsel for the applicant/accused has submitted that there applicants/accused have not committed any offence. There is delay of 3 months in giving the FIR.

3. Learned Prosecutor has opposed the application and relied on the complaint.

4. Perused the FIR and other papers. It is a case of section 306 of the Indian Penal Code against the mother in law and the wife as the deceased had hanged himself. In the facts of the case, I am of the view that the custody of the applicant/accused is not required and, therefore, I confirm the order of interim pre-arrest

bail dated 20.12.2016 on the same bail bond and terms. The applicant/accused shall attend the concerned Police Station as and when called and cooperate in the investigation.

5. Anticipatory Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)