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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 696 OF 2018

Shobha Vasant Phalke	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Anil Shitole i/b Dnandeo D. Shinde, for the Applicant.

Ms. Veera Shinde, APP for the Respondent – State.

CORAM : P. N. DESHMUKH, J.

DATE : APRIL 10, 2018

PC :-

1. Issue notice to Respondent. Learned APP waives notice for Respondent.
2. Heard learned counsel for Applicant, learned APP for the State. Perused charge-sheet. This is subsequent application of Applicant, who is mother-in-law of deceased Chaitali after filing of charge-sheet for grant of anticipatory bail. Earlier application was rejected by this Court, which was filed before filing of charge-sheet by order dated 21st August, 2017 passed in Anticipatory Bail Application No. 1419 of 2017. According to Applicant, thereafter charge-sheet is filed before the competent court on 9.10.2017 and after filing of

charge-sheet, husband of deceased, her father-in-law, sister-in-law and brother-in-law are released on bail by this Court, and has thus, contended that subsequent application is, therefore, tenable on change of circumstances on filing of charge-sheet.

3. Learned counsel for Applicant in support of application has mainly submitted that case of Applicant is at par as that of other co-accused, who are already granted bail by this Court, as except for involvement of Applicant to taunt deceased, nothing is mentioned against her in the report, lodged by father of deceased, and therefore, prays that application be allowed.

4. Perusal of report reveals that deceased was married to Applicant's son on 18.12.2014 and about 2½ years thereafter, Applicant is alleged to have taunted that her parents had not celebrated wedding to their desire nor had given any articles in the marriage. Except for this, there is nothing which can be sufficient to establish Applicant's abatement for deceased Chaitali committing suicide.

5. This Court while considering regular bail application of husband and brother-in-law of the deceased, had, on considering the charge-sheet, observed that there is no letter on record to show that deceased was harassed or illtreated or assaulted for demand of dowry

and thus inferred that died of suicide and relying on the law laid down in the case of *Girdhar Shankar Tawade V. State of Maharashtra*¹, held that Applicants are entitled for bail.

6. Considering involvement of Applicant as revealed in the FIR and the involvement when considered against co-accused, since she is found at par with co-accused, application is liable to be allowed on the ground of parity as well as on merits, as per order below:

- (i) In the event of arrest of Applicant in C. R. No. 416 of 2017 registered with Pandharpur City Police State, she shall be released on bail on her executing PR bond in the sum of Rs. 50,000/- with one surety in the like amount;
- (ii) While on bail, Applicant shall mark her presence to the Pandharpur City Police Station quarterly once in three months initially for a period of one year, and thereafter once in six months pending the trial.
- (iii) Application is disposed of in the above terms.

Sd/-
[P. N. DESHMUKH, J.]