

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

ANTICIPATORY BAIL APPLICATION NO. 15 OF 2018

Ashwini Dattatraya Kurde.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Prashant S. Hagare, advocate for Applicant.

Mr. S.R. Agarkar, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 15, 2018**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 883 of 2017 registered at Indapur Police Station, for offence punishable under section 498A, 304B, 504, 506, 323, read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that the brother of the applicant namely Sachin was married to Amruta on 12.12.2014. That Amruta had consumed poison on 30/11/2017. The couple is blessed with a son who is about 2 years old. Father of Amruta namely, Pandurang Raut had lodged report at the police station. That at the time of marriage, dowry was settled at Rs. 2 Lakhs. Rs. One Lakh was paid at the time of marriage and Rs. One Lakh was to be paid subsequently. However, due to economic stringencies, he could not pay the remainder. It is alleged that his daughter Amruta was harassed and meted with cruelty at the hands of her father-in-law, mother-in-law, husband and sister-in-law. Being fed up with harassment she had consumed Roundup poison. The father-in-law has admitted her in hospital. However, she had succumbed to the poison. Hence, offence under section 498A, 304B, 323, 504, 506 read with section 34 of the Indian Penal Code is registered against all.

4 The learned Counsel for the applicant submits that the present applicant is 24 years old. The applicant is serving at Mavericksoftware (India) Pvt. Ltd. She had joined service on 6/5/2017. It is submitted that thereafter, she was residing at Pune and there was no occasion for her to ill-treat Amruta.

5 Taking into consideration the above mentioned facts and the papers of investigation, this Court is of the opinion that the applicant herein deserves to be granted pre-arrest bail.

6 However, it is made clear that the observations are prima facie in nature and are restricted to the application under section 438 of the Code of the Criminal Procedure, 1973 and trial court shall not be influenced for the purpose of quashing of FIR, discharge application or at the time of trial.

7 Hence following order is passed :

ORDER

- (i) The applications are allowed.
- (ii) In the event of arrest in Crime No. 883 of 2017 registered at Indapur Police Station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more solvent sureties in the like amount.
- (iii) The applicant shall make herself available for investigation as and when called and cooperate with the investigating agency.
- 8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)