

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

ANTICIPATORY BAIL APPLICATION NO.329 OF 2018

Mrs. Alka Rohidas Jarhad & Anr. Applicants
Vs.
The State of Maharashtra Respondent

Mr. Vikas B. Shivarkar for the Applicant.
Mr. N.B. Patil APP for the State.
Mr. V.U. Gholave, PI, Dehuroad police station, Pune rural present.

Coram : *Smt. Sadhana S. Jadhav, J.*
Date : 22nd February, 2018

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicants herein are apprehending their arrest in Crime No.82 of 2018, registered at Dehuroad Police Station, Pune Rural for the offences punishable under Sections 498A, 304(B) and 323 read with 34 of Indian Penal Code.

3 It is the case of the prosecution that the son of the present applicants was married to Vrushali on 8th December 2016.

That she was being harassed by her husband and her in-laws on account of demand of money of Rs.6,00,000/- for purchasing a flat at Pune. The records show that the brother of Vrushali had paid Rs.50,000/- by R.T.G.S. Despite that the harassment continued. They had demanded jewellery and therefore, in May, 2017, the brother and father of Vrushali had gifted gold jewellery worth Rs.1,50,000/-. The harassment continued as they had not fulfilled the demand of Rs.6,00,000/-. On the second occasion, Rs.50,000/- was paid by cash. The greed of in-laws and husband was not satisfied as they continued to harass her. Finally on 30th January 2018, Vrushali committed suicide by hanging in her matrimonial house.

4 The father of Vrushali lodged a report at Dehuroad police station. On the basis of which, Crime No. 82 of 2018 was registered for the offence punishable under Sections 498-A, 304(B) of Indian Penal Code. It is unfortunate that Vrushali, who was married for hardly 13 months had to commit suicide, since the greed of her husband and her in-laws could not be satisfied.

5 Learned counsel for the applicants submits that the son of the applicants had voluntarily surrendered before the police after the registration of the F.I.R. That the present applicants are senior citizens and are suffering from old age illness. It is a matter of record that they would be liable for the offence punishable under

Sections 498-A of Indian Penal Code. They would also be liable for an offence punishable under Section 304(B) of Indian Penal Code. However, taking into consideration the age of the applicants and the guidelines in the case of Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 Supreme Court Cases, page 273, this Court is of the opinion that the applicants deserve to be granted pre-arrest bail.

6 However, the observations made hereinabove are prima facie in nature. The learned Sessions Court shall not be influenced by the above observations at the time of hearing the application for discharge or quashing of FIR or at the time of trial. The same be decided on its own merits. Hence, the following order is passed :

O R D E R

1 The application is allowed and disposed of.

2 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 solvent sureties in the like amount.

3 The applicants shall handover all the ornaments of the deceased-Vrushali to her parents within 10 days. They are at liberty to deposit the same in front of the police. The police to record the panchanama to that effect and hand it over to the parents of the deceased-Vrushali.

4 The applicants shall report to the concerned police station from 26th February 2018 to 4th March, 2018 everyday between 10.30 am. to 1.00 noon.

5 In the eventuality of non-appearance on any two consecutive dates, the prosecution would be at liberty to file an application seeking cancellation of bail.

(*Smt. Sadhana S. Jadhav, J*)