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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION No. 656 OF 2018

Vaishali @ Kusum Vasudeo Shelar ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Jayant J. Bardeskar i/b Pradeep P. Khittiani, for the Applicant.

Ms. G. P. Mulekar, APP for the Respondent – State.

CORAM : P. N. DESHMUKH, J.

DATE : MARCH 26, 2018

PC :-

1. Heard learned counsel for Applicant and learned APP. Perused copy of the charge-sheet. This application is filed for grant of bail by Applicant, who is mother-in-law of deceased Namrata, in C. R. No. 187/2017 registered by Dighi Police Station for the offence under Section 498-A, 306 read with 34 of Indian Penal Code.

2. Learned counsel for Applicant has submitted that apart from merits, Applicant is entitled to bail on parity to co-accused with father-in-law of deceased, and two sister-in-laws of deceased, who are already granted bail. It is further contended that even according to the

report and the alleged writing in the diary of deceased, no direct link can be said to be established to connect the incident of suicide committed by consuming poison. It is further submitted that since there is nothing to establish that prior to deceased committing suicide, there was no instigation of abatement on the part of the Applicant. It is therefore, submitted that application may be allowed.

3. Learned APP has opposed the application contending that from the diary which was maintained by deceased, involvement of Applicant to have provided cruelty to deceased is established, and she has thus, contended that application be rejected.

4. It is the case of the prosecution that on 6th October, 2017, Namrata Vishal Shelar, daughter in law of the present applicant was admitted in the hospital. On admission, she had disclosed that on 5th October 2017, at about 10.45 pm., when she had asked her inlaws permission to take some job as she is highly qualified, they rejected her request on the ground that there is no necessity for her to work. She, thus, was annoyed with the said reaction and therefore, had consumed rat poison. In her subsequent statement recorded on the same day, by PSI of Dighi Police Station, Pune City and she had

reiterated the same. She had also disclosed to the police that now she has recovered and that she had consumed poison in a fit of rage. Namrata had succumbed to the poison on 7th October, 2017.

5. It is revealed that on her death, her father Suresh Shankar Nikam lodged a report at the police station alleging therein that his daughter, who was educated, was married to the son of the Applicant in April, 2015. It is alleged that within 15 days of the marriage, Namrata was asked to carry out all the domestic chores i.e. ironing clothes of her sister-in-laws, her mother-in-law, cook food, mop the floor etc. She had complained about the same when she came to their house. It is stated in said report that her husband Vishal was working in I.T. company. It is alleged that he also used to illtreat her. Though certain incidents are narrated in the first informant report to show that deceased was harassed at the hands of the family members of her husband. It is alleged that when they had been to the house of the Applicant to take their daughter for maternity, only because she should suffer pains, she was not allowed to go with them and finally she was sent to their house before 5 to 6 days of her delivery. It is alleged that Namrata wanted to seek some employment. The members of her

matrimonial family were against the same, due to which she was frustrated and finally on 5th / 6th October, 2017, she had consumed poison.

6. The papers of investigation would reveal that Namrata was in a habit of writing daily diary. Upon perusal of the contents of said diary, it appears that she did not share cordial relations with her mother-in-law and she was fed up of working at home. She was not happy in her married life. There are allegations against inlaws and husband. The allegations are that her husband had even slapped her on 2-3 occasions and when she had asked her husband to give her Rs. 500/- to buy Rakhi and other gifts, he refused to pay and asked her to take the same from his mother. There was a quarrel over the same and Applicant supported the husband, however, there is no reference to any specific act committed by the present applicant.

7. Considering the facts as revealed from report and the submissions advanced as aforesaid, there is nothing to hold that Applicant at any point of time abetted or instigated commission of suicide except for rejecting permission to deceased to take any job.

8. In the above mentioned facts, applicant deserves to be

enlarged on bail as per order below:

- (i) Applicant shall be released on bail in C. R. No. 187/2017 registered by Dighi Police Station, on her executing PR bond in the sum of Rs. 50,000/- with one surety in the like amount;
- (ii) Applicant shall mark her presence with Dighi Police Station on the 1st day of each month, initially for a period of six months and thereafter quarterly on 1st day of each such month, pending trial;
- (iii) It is made clear that learned Trial Court shall not get influenced by any of the observations made herein, and shall independently evaluate evidence at the time of trial.
- (iv) Application is accordingly allowed in the aforesaid terms.

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

Vinayak Halemath