

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

**ANTICIPATORY BAIL APPLICATION NO.794 OF 2018**

1. Kiran Baburao Kulthe  
2. Aishwarya Kiran Kulthe  
3. Priya Vikash Dahale

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Mr. Satyavrat Joshi with Mr. Sunil S. Kamble for the Applicants.  
Mrs. J.S. Lohokare, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATED: 1<sup>st</sup> NOVEMBER, 2018.**

**P.C.:-**

Not on board. Taken on board.

2. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R. No.147 of 2018 registered with Chinchwad Police Station, District-Pune, for offences, punishable under Sections 498 A, 306 and 315 r/w. 34 of the Indian Penal Code, 1860.

3. Heard Mr. Satyavrat Joshi, the learned counsel for the Applicants and Mrs. J.S. Lohokare, the learned APP for the Respondent-State. I have perused the records and considered the submissions

advanced by the learned counsel for the respective parties.

4. The aforesaid crime was registered pursuant to the FIR lodged by one Sharad Dahiwale, father of the deceased Sayali. Said Sayali was married to Kunal Kulthe on 22.2.2014. The Applicant No.1 is the father whereas the Applicants No.2 and 3 are the sisters of Kunal Kulthe, the husband of Sayali. Said Sayali committed suicide on 5.4.2018. Her father lodged the FIR alleging that Kunal Kulthe and his family members had subjected his daughter Sayali to physical and mental cruelty. He had further stated that his daughter-Sayali had committed suicide as she was unable to bear the harassment meted out to her.

5. The records prima facie reveal that there was a matrimonial dispute between the deceased Sayali and her husband and this had resulted in filing proceedings under Section 125 of the Cr.P.C. The records prima facie reveal that attempts were made to sort out the matrimonial differences. As a result thereof the deceased had resumed cohabitation with her husband. It appears that despite the said settlement, the matrimonial discord between the parties continued and Sayali committed suicide on 5.4.2018.

6. A perusal of the first information report prima facie indicates that the allegations against the father-in-law and the sisters-in-law are general in nature. The said allegations do not prima facie constitute 'abetment' within the meaning of Section 107 of the IPC. The nature of allegation does not justify custodial interrogation. Furthermore, the Applicants are on interim bail since April-2018. It is stated that they have complied with the conditions of the said order and reported to the investigation officer and they have already been interrogated. The learned APP submits that the investigation has concluded and the charge sheet would be filed within a short span of time. Hence, their presence is not required for the purpose of investigation and interrogation. The Applicants are permanent resident of Chinchwad and hence there are no chances of their absconding or fleeing from justice. The Applicants have no criminal antecedents.

7. Under the circumstances, the application is allowed on following terms and conditions:-

- (i) In the event of arrest of the Applicants in C.R. No.147 of 2018 registered with Chinchwad Police Station, District-Pune, the Applicants shall be released on bail

on furnishing bail bonds of Rs.20,000/- each with one or two solvent sureties in the like amount.

- (ii) The Applicants shall report to the investigation officer as and when required and called by the investigation officer.
- (iii) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to the concerned investigation officer.
- (iv) The Applicants shall not change their residential addresses without prior intimation to the investigation officer.

**(SMT. ANUJA PRABHUDESSAI, J.)**