

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

ANTICIPATORY BAIL APPLICATION No. 976 OF 2018

Vaishali Trisharan Barve and Anr.

...Applicants

Vs.

State of Maharashtra and Ors.

...Respondents

Mr. Sanjeev Kumar Deore for Applicants

Mr. Rajan Salvi -APP for the State – Respondents

CORAM : SMT. BHARATI H. DANGRE , J.

DATE: MAY 10, 2018

VACATION COURT.

P.C.

1. The Applicants apprehends arrest in relation to Crime No. 44 of 2018 registered by Trimbakeshawar Police Station, Nashik for the offence punishable under section 306, 504, 506 r/w. 34 of the Indian Penal Code. On 21.4.2018, a complaint was filed by Bhakti Dinkar Barve alleging that her mother Sou. Lata had consumed poison and she expired in the hospital on 6.4.2018.

2. On perusing the complaint, it reveals that the allegation is that the brother of the Complainant Trisharam Dinkar Barve was married to the present Applicant on 2.5.2016 and the said Trisharam met with an accident and had become incapable of performing his daily chores and it is alleged that the Applicant wife has failed to perform her duties towards her

husband. On the contrary, on 1st December, 2017, the Applicant left her matrimonial home at the instigation of her relatives. It is further alleged that some of the relatives of the Applicant threatened that the Applicant would not return to the matrimonial home and demand was also made that the expenses of the marriage should be made out to the Applicant and her family members. The Complainant then alleges that the deceased Latabai was fed up of the said quarrels and, thereafter, she consumed poison on 31.3.2018 and this fact of consuming of poison was informed by the deceased to the complainant on 4.4.2018 and she was taken to the hospital where she expired on 6.4.2018.

3. Based on the said complaint, an offence has been registered against the Applicant under Section 306, 504, 506 r/w. 34 of the Indian Penal Code. On perusal of material produced on record, it is apparent that on account of some marital discort, the Applicant left matrimonial home in December, 2017 and there is no proximate cause for the deceased mother-in-law to consume poison as it cannot be attributed that the applicant abetted the suicide. Moreover, in the complaint it is stated that if the relatives of the Applicant who instigated the deceased to take such steps, however, no allegation is made against the applicant.

4. The learned counsel for the Applicant also informs that the other accused and the relatives of the Applicant have been granted anticipatory bail by the Sessions Court.

4. Heard the learned counsel for the Applicant. The Applicant has made out a prima facie case for grant of anticipatory bail. Hence, the following order:

ORDER

- (i) In the event of arrest, the Applicant be enlarged on bail by executing a P.R. Bond of Rs.25,000/- and by furnishing two solvent sureties in the like amount;
- (ii) The Applicant is directed to co-operate with the Investigating Officer.
- (iii) The Applicant will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case nor he will tamper with the evidence.

The Application is disposed of.

[BHARATI H. DANGRE, J.]