

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION No. 1157 OF 2018**

Sindhu Balasaheb Palve and Anr.

...Applicants

Vs.

The State of Maharashtra

...Respondent

Mr. Aniket U. Nikam for Applicants

Mr. N.B. Patil -APP

Mr. A.J. Choudhari, PSI, Karmala Police Station

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 21, 2018

P.C.

1. Heard. This is an application filed under section 438 of the Criminal Procedure Code. The Applicants herein are apprehending their arrest in Crime No. 16/2018 registered at Karmala Police Station for the offence punishable under section 306 and 498A of the Indian Penal Code.

2. It is the case of the prosecution that the son of the Applicant was married to Pallavi in the year 2010. It was a love marriage. That on 6th January, 2018, the dead body of Pallavi was found in the well. On 8th January, 2018, the brother of the deceased lodged a report at the police station alleging therein that

his sister was harassed and ill-treated by the family members, in-laws including the present Applicants. She had resided with them for almost 10 years. She had given a birth to child viz. Soham. Thereafter, the present Applicants had started residing in the agricultural land to avoid any friction in the family and his sister was residing with her husband in the village. It is alleged that Pallavi had complained to her brother and parents on several occasions that she was being harassed and ill-treated by the members of her matrimonial family. That after her death, postmortem was conducted on the dead body of Pallavi on 6th January, 2018. There are no external injuries on her person.

3. The learned counsel for the Applicants submits that since the Applicants were residing separately, there is no question of harassment and ill-treatment at their hands.

4. In any case, it cannot be said that Applicants had abetted, instigated or facilitated the commission of suicide by Pallavi. Hence, in view of the above facts, the Applicants deserve for pre-arrest bail. These observations are prima facie in nature and only restricted to present application filed under section 438 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR / discharge application and/or at the time of trial. Hence, the following order:

ORDER

- (i) The anticipatory bail application is allowed.
- (ii) In the event of arrest of the Applicants in Crime No. 16 of 2018 registered at Karmala Police Station, they be enlarged on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- each and one or more sureties in the like amount.
- (iii) The Applicant shall report to Karmala Police Station as and when called and shall co-operate with the Investigating Officer.

The anticipatory bail application is allowed and disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]