

Shakubai @ Shakuntala Govind Didhul and Anr. ...Applicants
Vs.
The State of Maharashtra ...Respondent

Mr. Rupesh Atul Zade for Applicant
Mr. S.S. Pednekar -APP

CORAM : SMT. SADHANA S. JADHAV, J.
DATE: JUNE 26, 2018

1. Heard. This is an application under section 438 of the Criminal Procedure Code.

2. The Applicants herein are apprehending their arrest in Crime No. 328 of 2018 registered at Daund Police Station for offences punishable under Section 306, 498A, 323, 504, 506 r/w. 34 of the Indian Penal Code.

3. It is the case of the prosecution that on 13th May, 2018, Nagnath Dnyandeo Shinde lodged a report at the police station alleging therein that his younger daughter Nikita was married with the son of the present Applicant

No.1. That on 13th May, 2018, at about 1.30 p.m. he received a telephonic information that his daughter Nikita has committed suicide by hanging in her matrimonial home. He along with his wife had immediately rushed to Daund Sub-District Hospital. The First Informant has alleged that his daughter Nikita had informed that on several occasions, she was being subjected to harassment and ill-treatment at the hands of her husband and mother-in-law and they were demanding Rs.10,000/- and a golden ring. She had left suicide note. Applicant No.1 happens to be the married sister in law of deceased Nikita.

4. Perused the papers of investigation and more particularly the chits written by the deceased. She has specifically stated that she could no more bear the harassment and ill-treatment meted to her at the hands of her husband, mother-in-law as they had made her life miserable. Her husband had on several occasions attempted to kill her by strangulation and he was supported by his mother i.e. present Applicant No.1. She has specifically stated that she was harassed to such an extent that she had no other option but to commit suicide.

5. Taking into consideration the papers of investigation and the submissions advanced across the bar, this Court is of the opinion that Applicant No.1 does not deserve pre-arrest bail. However, in the eventuality, she appears before the Magistrate, he shall consider the application under section 437 of the Criminal

Procedure Code on its own merits without being influenced by the observations made hereinabove or rejection of the application under section 438 of Cr.P.C. Application of the Applicant No.1 stands rejected.

6. So far as Applicant No.2 is concerned, she deserves grant of pre-arrest bail. Hence the following order:

ORDER

- (i) The application is partly allowed in respect of Applicant No.2
- (2) In the event of arrest, Applicant No.2 be enlarged on bail on furnishing P.R. Bond of Rs.20,000/- and one or more solvent sureties in the like amount.
- (3) Applicant No.3 shall report to the concerned police station as and when called and co-operate with the investigation.

Bail application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]