

918- ABA 1268 of 2018

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

ANTICIPATORY BAIL APPLICATION No. 1268 OF 2018

Mrs. Ratnamala Dinkar Thite and Anr.

...Applicants

Vs.

The State of Maharashtra

...Respondent

Ms. Kavita Mahesh Pawar for Applicant

Mr. Vinod Chate -APP

Mr. B.D. Shinde, API, Rajgad Police Station, Pune (Rural)

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JULY 4, 2018

P.C.

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. 149 of 2018 registered at Rajgad Police Station, Dist. Pune (Rural) for the offences punishable under Section 498A, 306, 323, 504, 506 /w. 34 of the Indian Penal Code.

3. It is the case of the prosecution that on 19th June, 2018, Dilip Talekar had

lodged a report at the police station alleging therein that his youngest daughter was married to Manoj Thite in the year 2015. That soon after the marriage, the couple went to Simla, the husband had assaulted her under the influence of alcohol. It is alleged that the Applicants were harassing her on account of non-efficiency in cooking and non-performing of domestic chores. That she was driven out of the house when she had concealed pregnancy. She was residing in her parents' house for eight months. It is stated in the FIR that Neelam had filed a case in the Court against the Applicants. However, it appears that the husband of Neelam had filed a Marriage Petition No. 624 of 2015 under Section 13(1) (1A) for divorce as despite several notices, his wife had not resumed co-habitation. It appears that all the notices were received by Respondent wife therein. Thereafter, Neelam had lodged a report at the police station and on the basis of which, a non-cognizable case was registered. That on 18th June, 2018, the father-in-law of Applicant had inquired as to whether she had reached her maternal house. It appears that she had left the house voluntarily and on 19th June, 2018 she had committed suicide by consuming poison. Neelam had also administered poison to the child, who was 2 and ½ years' old and, thereafter, she had committed suicide.

3. The learned counsel for the Applicants submits that in fact, Neelam was

shocked by filing of the petition under section 13(1) and 13(1A) of the Hindu Marriage Act seeking divorce. She was staying with her parents for about 8 to 10 months. That she had returned to her matrimonial home only after June, 2016.

4. At this juncture, it cannot be said that the Applicants abetted, instigated or facilitated the commission of suicide by the deceased. Applicant No.1 is the mother-in-law of the deceased Neelam. Whereas Applicant No.2 is the son-in-law of Neelam. The husband of Neelam has been arrested on 20th June, 2018.

5. Taking into consideration the facts of the case and the submissions advanced across the bar, the Applicants deserve pre-arrest bail. The observations are restricted to application under section 438 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial. Hence, the following order.

ORDER

- (i) In the event of arrest, the Applicants be enlarged on bail in the sum of Rs.15,000/- each and one or more sureties in the like amount.

(ii) The Applicant shall report to the police station as and when called.

Application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]