

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1305 OF 2018

Mirabai w/o. Kashinath Thore .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. A. C. Deshpande, Advocate, for the Applicant
Mr. S. R. Agarkar, APP, for the Respondent – State
Mr. B. U. Padmane, PSI, Nandgaon Police Station, Nasik

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 05.07.2018

P.C.

. Heard learned counsel for the Applicant and the learned
APP for the Respondent – State.

2. This is an Application under Section 438 of the Code of Criminal Procedure. The Applicant herein is apprehending her arrest in C. R. No. I-69 of 2018, registered at Nandgaon Police Station, Nasik, on 03.05.2018, for the offences punishable under Sections 302, 498A, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. It is the case of the prosecution that the Applicant herein

happens to be the mother-in-law of Jyoti. That on 02.05.2018, Jyoti had died in her matrimonial house. The cause of death was poisoning. The organs were congested. The cause of death as per the Post Mortem was “all the points mentioned points towards unknown chemical poison as cause of asphyxia and hence, death”. On 03.05.2018, Sudhakar Narayan Mugale, the father of Jyoti lodged a report at the police station alleging therein that Jyoti was harassed and ill-treated by her husband, father-in-law, mother-in-law and her brother-in-law. On 02.05.2018, the son of the Applicant namely Sunil i. e. husband of Jyoti had called upon the Complainant and asked him to take his daughter back to her maternal house. However, at 7.30 p. m., Jyoti had called upon her parents and informed them that they need not come to fetch her, as she would be able to handle the situation. Jyoti had died due to poisoning in suspicious circumstances on the same night. Her brother-in-law Deepak had misled her parents by informing that she had fallen from her bed and hence, taken to the hospital.

4. The Applicant herein happens to be 74 years old. Sunil, Kashinath and Deepak have been arrested by the police.

5. Taking into consideration all these aspects and more

particularly, the phone call by the husband and the fact that she had died during the intervening night of 02.05.2018 and 03.05.2018 while she was in the exclusive custody of her husband, the Applicant deserves to be granted pre-arrest bail. It is made clear, that the observations are restricted to an Application under Section 438 of the Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of FIR, discharge Application or at the time of trial.

6. Hence, I proceed to pass the following order.

ORDER

- (i) The Application is allowed;
- (ii) In the event of arrest, the Applicant be enlarged on bail on furnishing P. R. Bond in the sum of **Rs. 25,000/-** with one or more solvent sureties in the like amount;
- (iii) The Application is disposed of.

(SMT. SADHANA S. JADHAV, J.)