

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1611 OF 2018

Chetram Mansingh Baswala & Anr.

....Applicants.

Vs.

The State of Maharashtra

....Respondent.

Mr. Ashish Dubey for the Applicant.

Ms. A.A. Takalkar APP, for the Respondent-State.

Mr. Kalyan Ghadge, PSI, MIDC Police Station, Mumbai.

CORAM : A. S. GADKARI, J.

DATE : 13th AUGUST, 2018.

P.C.:-

This is an Application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in C.R. No. 273 of 2018 dated 12th June, 2018 registered with MIDC Police Station, Mumbai under Sections 306, 498(A) read with Section 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record of investigation.

The name of the deceased is Smt. Roshan Baswala. The date of incident is 29th May, 2018. The Applicants are father-in-law and mother-in-law of the said deceased. Her husband Ramchandra @ Rajesh Baswala was working at Hyderabad.

It is the prosecution case that, the deceased was suffering from Tuberculosis. It is alleged that, because of the said ailment, the Applicants and the other accused persons used to pass sarcastic comments against the deceased and also did not permit her to go to Ahmedabad for treatment. That, the deceased committed suicide on 29th May, 2018 at her matrimonial house by hanging herself. The first information report is lodged by Shri Shyamlal Khinchi, the father of the deceased on 12th June, 2018 with the afore-stated allegations.

3 The first information report itself states that, the deceased was under depression due to the said ailment and when the Applicants and other family members though permitted the deceased to go to the Ahmadabad with her cousin brother for medical treatment, the Applicants asked her to keep the children at the matrimonial house. It appears that, the said suggestion of the Applicants and other accused persons did not like by the deceased and it added to her depression.

4 *Prima facie*, it appears that, there was no direct abatement or inducement by the Applicants to the said deceased thereby, prompting her to take the extreme step to end her life. In view thereof, the Applicant can be protected by pre-arrest bail.

Hence, the following order-

- a) In the event of arrest in C.R. No. 273 of 2018 registered with MIDC Police Station, Mumbai the Applicants shall be released on bail on their furnishing PR bond of Rs. 25,000/- each with one or two separate solvent local sureties in the like amount.
- b) The Applicants shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- c) Application is allowed in the aforesaid terms.

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Mashalkar

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(A.S. GADKARI, J.)