

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

ANTICIPATORY BAIL APPLICATION NO. 1939 OF 2018

Sakharabai Kalu More

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Ajinkya J. Jaibhave for the applicant.

Mrs. J.S. Lohokare, APP for the State.

Mr. B.U. Padmane, PSI, Nandgaon Police Station,
Nashik rural, present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 09th OCTOBER, 2018.**

P.C.:

. Heard Mr. Ajinkya J. Jaibhave, learned counsel for the applicant and Mrs. J.S. Lohokare, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

2. This is an application for anticipatory bail under section 438 of Criminal Procedure Code filed by the aforesaid applicant apprehending her arrest in C.R.No.I-116/2018 registered at Nandgaon Police Station, District Nashik for offences punishable under sections 304(B), 498(A) of the Indian Penal Code.

3. The aforesaid crime was registered pursuant to the first information report lodged by the Babulal Motiram Karande who is the maternal uncle of the deceased Walyabai @ Radhabai Tanaji More. The first information report *prima facie* reveals that the said Walyabai was married to Tanaji, the brother of the applicants. The first information report *prima facie* reveal that Walyabai and her sister-in-law Sakharbai @ Sumanbai had gone to the well to wash clothes. They did not return home and their slippers and other articles like buckets and clothes were found near the well. Subsequently, bodies of Walyabai and Sakharbai were recovered from the well located in the paddy field close to the house. The first informant had alleged that the husband of said Walyabai and his family members were demanding dowry and that she and her sister-in-law might have committed suicide because of the harassment meted out to them.

4. The allegations as regards demand of dowry and cruelty are general in nature. Furthermore, the statements of the neighbours and the other family members of the deceased *prima facie* reveals that they had not seen the applicant assaulting or harrasing the deceased. Hence, this is not a fit case which warrants custodial interrogation. The applicant is the mother-in-law of the deceased. She is 60 years of

age and it is stated that presently she is taking care of minor children of the deceased Walyabai @ Radhabai Tanaji More and Sakharbai @ Sumanbai. The applicant is the resident of Pimprale, Taluka Nandgaon and there is no possibility of the applicant absconding. She has no criminal antecedents.

5. Considering the aforesaid facts and circumstances so also the nature of allegations levelled against the applicant, in my considered view, this is a fit case for grant of pre-arrest bail. Hence, the Application is allowed on following terms and conditions :-

(a) In the event of arrest of the applicant in C.R.No.I-116/2018 registered at Nandgaon Police Station, District Nashik, she shall be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount to the satisfaction of Investigation Officer.

(b) The applicant shall report to the Investigation Officer of Nandgaon Police Station on 15/10/2018 and 16/10/2018 between 11:00 a.m. to 02:00 p.m. and further as and when required by the Investigation Officer.

(c) The applicant shall furnish her permanent address and temporary address, if any, and her contact details to the Investigation Officer.

(d) The applicant shall not change her residential address without prior intimation to the Investigation Officer.

(e) The applicant shall not interfere with the witnesses in any manner and shall not tamper with the evidence.

(SMT. ANUJA PRABHUDESSAI, J.)