

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

CRI. ANTICIPATORY BAIL APPLICATION NO.2039 OF 2018

Lakhu Kanji Solanki & Anr.

.. Applicants

Vs.

State of Maharashtra

.. Respondent

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Mr.Rishi Bhuta i/b. Ms.Neha Patil, Advocate for the Applicants.
Mr.Y.Y. Dabke, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : OCTOBER 4, 2018.

P.C. :

This is an application for anticipatory bail. The applicants are apprehending arrest in connection with C.R.No.278 of 2018, registered with Versova Police Station, Mumbai, for the offence punishable under Section 306 read with 34 of Indian Penal Code (“IPC”, for short). Applicant no.1 is the mother-in-law and applicant no.2 is the husband of the deceased. FIR was lodged by the mother of the deceased.

2 Prosecution case in nutshell is as follows:

That on 20th April, 2018, the deceased was married to applicant no.2. It was an arranged marriage. Deceased was

residing with her husband and in-laws at the address mentioned in the cause title of the application. In July 2018, the deceased went to her mother's house and stated that in the first month of the marriage, she was happy at her matrimonial house. However, her mother-in-law started harassing her. She was not allowed to visit her aunt's house who stays near their house. Whenever the deceased used to visit her aunt's house, her mother-in-law used to get angry. It is further alleged that her mother-in-law was not allowing her to watch T.V. and she used to get angry at the deceased for petty reasons, such as, for cooking food and cleanliness in the house. Applicant no.2 (husband) supported his mother. The incident had occurred on 27th July, 2018. The deceased has committed suicide by hanging herself to the ceiling fan.

3 Applicants preferred an application for anticipatory bail before the Sessions Court, which has been rejected on 27th September, 2018. While rejecting the said application, the Sessions Court has observed that the incident had occurred immediately after the marriage. It is further observed that the allegations made in the FIR and the reply filed by the prosecution indicate that there are sufficient reasons for instigating the deceased to commit suicide. Learned Judge has also referred to

the presumption under Section 113-A of the Evidence Act. Learned Judge has further observed that for purpose of custodial interrogation, the applicants have to approach the police, and, the investigating officer has to arrest the accused.

4 Learned APP supported that the order passed by the Sessions Court and submitted that the first informant has given details as to how the victim was being harassed. I have perused the FIR. It is true that the incident had occurred within short span after the marriage. However, the allegations in the FIR refers to petty quarrels on account of visit of the deceased to her aunt's place and regular domestic issues. In the circumstances, I do not find any reason that the applicants should be subjected to custody for the purpose of investigation. Learned APP has submitted that the allegations reflected in the FIR are also corroborated by the statement of the aunt. Admittedly, as per the order passed by the Sessions Court, statements of 11 witnesses are already recorded by the police. In the circumstances, the pre-arrest bail can be granted to the applicants under Section 438 of Cr.P.C.

5 Hence, I pass the following order:

:: ORDER ::

- (i) In the event of arrest of the applicants, in connection with C.R.No.278 of 2018, registered with Versova Police Station, Mumbai, they may be released on bail on their furnishing P.R. Bond in the sum of Rs.20,000/-, each, with one or more sureties in the like amount;
- (ii) Applicants shall report the investigating officer of Versova Police Station, Mumbai, once in a week on every Friday between 10:00 a.m. to 12:00 noon, till filing of the charge-sheet ;
- (iii) Applicants shall not tamper with the evidence;
- (iv) Anticipatory Bail Application No.2039 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)