

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

ANTICIPATORY BAIL APPLICATION NO.2256 OF 2017

1 Madhav Nana Maval
2 Nandubai Madhav Maval Applicants

Vs.

The State of Maharashtra Respondent

Mr. Rahul Shivaji Kadam for the applicants.

Mr. S.H. Yadav, APP for the State.

Mr. Sagar Joshi for original complainant/Intervenor.

Mr. D.M. Gavare, PSI, Nandgaon Police Station present.

Coram : ***Smt. Sadhana S. Jadhav, J.***

Date : 19th January, 2018

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicants herein are apprehending their arrest in Crime No.252 of 2017, registered at Nandgaon police Station, District Nashik, for the offences punishable under Sections 306, 498A, 323, 504 read with 34 Indian Penal Code.

3 It is the case of the prosecution that the son of the applicant was married to Apeksha on 10th March, 2015. The couple is blessed with a daughter, who is about 2 years old. Apeksha was carrying pregnancy of 24 weeks in the month of December 2017. On 12th December 2017, Dattu Rajaram Sarode, who happens to be brother of Apeksha lodged a report at the police station alleging therein that on 12th December 2017, Apeksha had committed suicide in her matrimonial home by jumping into the well adjacent to their house. It is alleged that soon after marriage, Apeksha had complained to her parents and her brother that there is a demand of Rs.2,00,000/- for the purpose of purchasing tractor and since her parents could not oblige, she was being harassed and ill-treated at the hands of her husband and her in-laws. It is alleged that being fed up of the ill-treatment meted out to her, she had committed suicide on 12th December 2017 and hence, the applicants, who happen to be in-laws of Apeksha are being prosecuted for the offence punishable under Sections 306 and 498A Indian Penal Code.

4 Learned counsel for the applicants submits that in fact it is a case of accidental death. Apeksha had been to the well to draw water on 12th December 2017. It was winter season. She had slipped and fallen in the well and therefore the applicants are being falsely implicated in the charge of 306 Indian Penal Code. It is

also submitted that the applicants had purchased a tractor in October, 2017 and therefore there was no reason to harass Apeksha on account of bringing money for purchase of tractor. It appears from the records that the applicants were also paying the instalments towards loan taken for purchasing of tractor.

5 Perused the papers of investigation. The cause of death is shown as Asphyxia due to drowning. It appears that there was no parapet wall to the well and it appears to be a muddy surface. There are huge trees surrounding the wall and therefore, the possibility that it could be an accidental death cannot be ruled out for the time being. Considering the allegations levelled against the applicants, at the most the applicants can be held for the offences punishable under Section 498A Indian Penal Code. The husband of deceased is in custody. Learned APP submits that subsequently Section 304B is also be added. Taking into consideration the papers of investigation and the submissions advanced across the bar, this Court is inclined to grant pre-arrest bail.

6 The observations made hereinabove are prima facie in nature. The learned Sessions Court shall not be influenced by the above observations at the time of hearing the application for discharge or quashing of FIR or at the time of trial. Hence, the following order is passed :

ORDER

- 1 The application is allowed.
- 2 In the event of arrest in Crime No.252 of 2017, registered at Nandgaon police Station, District Nashik, the applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.50,000/- each with one or more solvent sureties in the like amount.
- 3 The applicant No.1 shall report to the concerned police station on 24th and 25th January 2018 and 29th and 30th January 2018 between 10.30 am. to 12.00 noon and co-operate with the investigating agency to the best of his capacity.

(*Smt. Sadhana S. Jadhav, J*)