

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2523 OF 2018

Shubhangi Dinkar Suryawanshi] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. V.V. Purwant i/b Mr. V.V. Phatate, Advocate for the Applicant.
Mr. S.R. Agarkar, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 17 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.182/2018 registered with Kamthi Police Station, District Solapur (Rural) u/sec. 302, 201 r/w 34 of I.P.C.

2. The FIR is lodged by one Surekha Shinde on 12/09/2018 in respect of the death of her daughter Geeta. She has mentioned in her FIR that Geeta was earlier married to one Nandkumar Waghmote and had two children from that marriage. Due to matrimonial dispute Geeta was residing separately from her husband. The first informant mentioned that in the year 2013 Geeta got acquainted with one

Dwarkesh. Her FIR further mentions that for initial few days Dwarkesh was keeping her properly and thereafter he started threatening her. On 11/09/2018 Dwarkesh informed the informant's grandson Suyog that Geeta had consumed poison. The first informant's son-in-law came to Mangalvedha and made inquiries, on which said Dwarkesh repeated that Geeta had consumed poison. According to the first informant, Dwarkesh himself was responsible for administering poison to deceased Geeta. She makes a reference to a phone call which she had received at about 10.20 a.m. on 11/09/2018 when Geeta had called first informant's grandson Suyog and at that time Suyog had heard that said Dwarkesh was threatening to commit Geeta's murder. He heard this threat in the background when Geeta had called her. On this basis, the first informant lodged her FIR. In the concluding paragraph of the FIR name of the present applicant appears. The present applicant is mother of the main accused Dwarkesh.

3. Heard Mr. V.V. Purwant, Ld. Counsel for the Applicant and Mr.S.R. Agarkar, APP for the State/Respondent.

4. Ld. Counsel for the applicant submits that on 11/09/2018 and 12/09/2018 at the time when the alleged incident taken place the present applicant was at the CIDCO Bus Stand, Aurangabad. He submitted that the present applicant could not have been present at a far away distance where the incident had occurred when Geeta was administered poison. He has relied on photographs of the CCTV footage in that behalf. Ld. APP states that the Investigating Officer has not verified the authenticity of these photographs.

5. Even otherwise, in the entire FIR, there is absolutely no role attributed to the present applicant. Neither are there any allegations against her. Merely one reference is made in the concluding paragraph where the applicant's name is mentioned. In this view of the matter, at this stage there does not appear to be any connection of the present applicant with the alleged crime and therefore, the applicant deserves protection of anticipatory bail. However, during investigation if the investigating agency come across any concrete material against the present applicant, then they can always approach the court to seek her custody for the purpose of investigation by filing proper application for cancellation of anticipatory bail. Hence, the

following order.

ORDER

1. In the event of her arrest in connection with C.R.No.182/2018 registered with Kamthi Police Station, District Solapur (Rural) the Applicant be released on bail on her executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. In case the investigating agency comes across any concrete evidence against the present applicant, they are at liberty to prefer an application for cancellaion of anticipatory bail and seek custody of the applicant for interrogation.
3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)