

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.163 OF 2019

Aruna Umesh Khamkar] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Rahul Kate, Advocate for the Applicant.

Smt. A.A. Takalkar, APP for the State/Respondent.

Tejas Mohite attached to Daund Police Station, Pune Rural present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 17 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.669/2018 registered with Daund Police Station, Pune Rural u/sec. 306, 498 (A), 323, 504, 506 r/w 34 of I.P.C.

2. The FIR in this case is lodged by one Shashikala Gawade in respect of suicide committed by her daughter Kalpana. Kalpana had committed suicide by hanging herself on 19/10/2018. The FIR mentions that Kalpana had got married to one Tatyaram Yede on 01/12/2002. They had a son from their marriage. The son was born

in the year 2003 at Kalpana's parental house. Her husband Tatyaram did not take her with him till the year 2016. After about 13 years Kalpana was taken by her husband with him and they started residing together at village Girim, Taluka Daund, District Pune. It is the case of the first informant that during this period Kalpana's husband had already got married to one Smita. Tatyaram and Smita used to harass Kalpana. The present applicant is Smita's mother. There are allegations that when the present applicant used to come to visit Smita, she used to blame Kalpana for creating trouble in the marriage of applicant's daughter Smita. The FIR further mentions that deceased's husband Tatyaram and Smita used to even physically harass her and ultimately due to the harassment Kalpana committed suicide.

3. Heard Mr. Rahul Kate, Ld. Counsel for the Applicant and Smt.A.A. Takalkar, APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that the applicant is falsely implicated. She was residing separately and she could not be instrumental in instigating the deceased to commit suicide.

5. Ld. APP opposed this application on the ground that the applicant used to visit the house of the deceased and her husband and then there used to be quarrels. Ld. APP relied on few statements of the witnesses who have stated that the applicant used to visit the deceased's home and create trouble.

6. Considering the fact that the applicant is mother of the second wife of Tatyaram, she is made an accused. Her role is not very significant in the entire episode. The applicant admittedly was residing in village Tandalwadi, Taluka Baramati, District Pune, which was about 40 to 50 km away from the place where the deceased and her husband was residing. The applicant was blaming Kalpana for trouble between Tatyaram and her daughter Smita. Only on that ground, it is difficult to hold that she caused instigation as defined u/sec. 107 of I.P.C. which would amount to abettment as required u/sec. 306 of I.P.C. Considering much lesser role attributed to the present applicant, the custodial interrogation of this applicant is not necessary and she deserves protection of anticipatory bail. Hence, the following order.

ORDER

1. In the event of her arrest in connection with C.R.No.669/2018 registered with Daund Police Station, Pune 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. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)