

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

BAIL APPLICAITON NO. 670 OF 2019

Mr. Jaynabai Shivaji Tambe

...Applicant.

Vs.

The State of Maharashtra

...Respondent.

Mr. A.S. Khandeparkar with R.D. Gude I/by Khandeparkar & Associates for Applicant.

Ms. S.S.Kaushik, APP. for State.

CORAM : P.N. DESHMUKH, J.

DATE : 2nd April, 2019

PC :

1. In this application for bail filed by mother-in-law of deceased Kajal who committed suicide on 21.11.2018 by setting her person on fire and had succumbed to 95% burn injuries, offence is registered on the basis of statement of deceased recorded while she was admitted in District Hospital, Sindhudurga, where from, it revealed that, her marriage was performed with applicant's son in 2016 and thereafter she was subjected to ill-treatment at the hands of applicant and her husband on household issues and they used to taunt her. Admittedly, from the statement of deceased she had not disclosed about any such ill-treatment against any one till the date of

incident and had stated that, on the night of incident applicant quarrelled with her and kept her starving and at 11.45 p.m. she poured kerosene on her person and set her person on fire. Bare perusal of contents of her statement, it appears to be totally vague not attracting to any of the provisions of Section 498A nor of Section 306 of the Indian Penal Code as from her statement there is nothing to hold that immediately prior to deceased committed suicide she was providing ill-treatment to such an extent to commit suicide or the applicant had instigated her to commit the same. As also observed above, though deceased claims to be provided ill-treatment since her marriage which took place in the year 2016, no complaint was lodged for a period of two years.

2. Perusal of case diary consists of statement of neighbours of deceased. One such statement of neighbour would revealed that, day on which deceased committed suicide she had visited to her house and requested her to connect her mobile which was accordingly connected and spoke to her mother. Her statement also reveals that deceased spoke to her father also and neighbour also spoke to her father, however, no investigation is carried out with reference to any of such CDR. Similarly, other statement which do

not directly relates to any sort of investigation on the part of applicant forcing to deceased to commit suicide. Having considered the nature of evidence available against applicant and on instructions learned APP submits that, investigation is almost complete and charge sheet is likely to be filed within a period of two weeks from today, application is liable to be allowed as per order below.

ORDER

- a) The applicant shall be released on bail in CR No.53 of 2018 registered with Vijaydurg Police Station, District Sindhudurg for offences punishable under Sections 306, 498A read with 34 of the Indian Penal Code, she shall be released on bail on her executing PR bond in the sum of Rs.15,000/- with one surety in the like amount.
- b) While on bail, applicant shall mark her presence with Vijapur Police Station, District Vijapur, Karnataka State quarterly on the first day of each such month pending trial and shall attend trial court without fail.
- c) Application is accordingly disposed off.

(P.N. DESHMUKH, J.)