

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

ANTICIPATORY BAIL APPLICATION NO.741 OF 2019

Sou. Hirabai Shivaji Nakure & Ors.	 Applicants
Versus	
The State of Maharashtra	 Respondent

- Mr. Rahul S. Kate for Applicant.
- Mr. Prashant Jadhav, APP for the State/Respondent.
- Mr. Sushant Ganpat Kinge, PSI, Natepute Police Station present.

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

P.C. :

1. Applicants are seeking anticipatory bail in connection with C.R.No. I 43 of 2019 registered with Natepute Police Station, Solapur under sections 498A, 324, 323 and 504 r/w. 34 of the Indian Penal Code. Subsequently, S.307 of the I.P.C. is also added. The FIR is lodged on 07/02/2019 by one Ashwini Nakure. The informant in her FIR stated that she got married with Avinash on 12/05/2014. After initial two months, the family members of the husband started harassing her. Applicant no.1 is the mother in law and other applicants are sisters in law of the first informant. The

sisters in law of the first informant are married and they are residing at different places. In the F.I.R. there are allegations that the applicants along with the informant's husband used to harass her. However, specific instances are not given except an incident dated 16/01/2019 on which day her husband is supposed to have throttled the first informant at the instance of applicant no.1. Otherwise, there are general allegations about the harassment. There are allegations that the applicant No.1 was raising suspicion on the first informant's character, therefore, she was harassed. The family was also demanding dowry and on that count also she being harassed.

2. Heard Mr. Rahul Kate, learned counsel for the applicants and Mr. Prashant Jadhav, learned APP for the State.

3. Learned counsel for the applicants submitted that the applicant nos.2 and 3 are the residents of different places and their role is minimal, therefore, there is no necessity of their custodial interrogation, in view of the allegations in the F.I.R. On the other hand, learned APP submitted that the role of the applicants is clearly made out, therefore, they do not deserve sympathy and

discretionary relief of anticipatory bail.

4. I have considered the rival submissions. Admittedly, applicant nos.2 and 3 are residing at different places, therefore, at least in their connection the allegations appear to be vague and exaggerated. In so far as, the applicant no.1 is concerned, though there are allegations of harassment which may amount to offence of 498A of I.P.C., the allegations do not travel to attract S.307 of I.P.C., in particular, against her. The incident dated 16/01/2019, though had started at the instance of the present applicant, however, main allegations are against the husband who had tried to throttle the first informant. In this backdrop, the applicant no.1's role is much lesser than that of the informant's husband. Secondly, for the allegations in the FIR, though, prosecution can continue, there does not appear to be necessity of custodial interrogation. In view of this matter, all the applicants deserve protection of anticipatory bail.

4. Hence, the following order :

ORDER

(i) In the event of their arrest in connection with

C.R. No.I 43 of 2019 registered with Natepute Police Station, Solapur, the applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand each Only) with one or two sureties each in the like amount.

- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)