

HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1511 OF 2019

Mamta Limbaji Rathod & Anr.	... Applicants
Versus	
The State of Maharashtra	... Respondent

Mr. Ritesh Thobde, Advocate for the Applicants.
Mr. Prashant Jadhav, APP for the State/Respondent.
Mr. Subhash H. Pawar, HC-705, Solapur Taluka Police Station.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 12th July, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with CR No. 429/19 registered with Solapur Taluka Police Station under Sections 498A, 306 read with 34 of the IPC. The FIR is lodged on 15th June 2019 by one Shantabai Jadhav.
2. It is her case that her daughter Beby Tai was married to one Limbaji Rathod about 13 years ago. Limbaji was serving sentence in jail for commission of murder of one of the villagers. He was in jail since 2001. However, he used to come home on furlough leave.

Limbaji had another wife by the same name 'Baby'. She was his first wife. He was maintaining both wives.

3. On 18th May 2019, The informant's son Prakash rushed to the informant and told her that informant's daughter Beby Tai had called him telephonically and told him that she has consumed poison as she was harassed by her husband as he was suspecting her character and assaulting her. Thereafter, the informant and her family members went to the Civil Hospital, Solapur, where Baby was admitted. At that time, Baby told the first informant that her husband, his first wife, present applicant no. 1, who was step daughter of the informant's daughter and applicant no. 2, who was wife of informant's daughter's step son Sunil, used to harass her. The FIR further mentioned that whenever the first wife used to visit Limbaji in jail, she used to tell him that informant's daughter was having illicit relationship and therefore, Limbaji was suspecting her character. It is her case in the FIR that the present applicants and others were not permitting her daughter to enter their agricultural field and were assaulting her if she tried to enter. Thereafter, the FIR narrates the incidents when the informant's daughter had consumed poison. She had consumed poison on 18th May 2019. Till 12th June 2019 she was alive. After that Limbaji's son Sunil

decided that they were spending too much money on her and therefore, she should be taken back home. While they were taking her home, she succumbed to her medical condition. On these allegations FIR was lodged.

4. Heard, Mr Thobde, learned counsel for the applicants and Mr. Jadhav, learned APP for the State of Maharashtra.

5. Mr. Thobde submitted that the entire allegations in the FIR are attributed against Limbaji and at the most against Sunil. The only allegation against the present applicants are of general nature that they were not allowing the deceased to enter their agricultural field.

6. The learned APP pointed out that during investigation statement of 12 years old child of the deceased was recorded, wherein he has mentioned that on the day of incident the applicants were present in the house as they were celebrating Limbaji's birthday. Perusal of the FIR shows that there is absolutely no role attributed to the present applicant, which would amount to abetment as defined under section 107 of the IPC.

7. Considering the nature of their relationship, the deceased was a second wife of Limbaji, it was not unusual for the applicants and their family to prevent her from entering their agricultural field. However, it

cannot amount to commit to abetment suicide. There is no role attributed to the other applicants in respect of harassment of the deceased. The deceased was initially harassed by her husband on the ground that he was suspecting her character, about which other applicants have no concern. Hence, the applicants have made out a case for grant of anticipatory bail. Hence, the order:-

ORDER

- (i) In the event of their arrest in connection with C.R. No. 429/19 registered with Solapur Taluka Police Station, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)