

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2441 OF 2019

Adika Ramling Kadam and another	Applicants
versus	
The State of Maharashtra	Respondent

Mr.Aniket Nikam i/by Vivek N. Arote for applicants.
Smt.A.A.Takalkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 8th November 2019

PC :

1. This is an application for anticipatory bail in CR No.694 of 2019 registered on 30-10-2019 with Bhosri MIDC Police Station for the offences u/s 306, 304B, 498A r/w 34 of IPC.

2. The FIR was lodged by the mother of victim. The marriage between the deceased and the accused no.1 was solemnized on 16-10-2018. The FIR proceeds on the allegations that the accused used to harass the deceased. There was demand of dowry and abuses to her. ON 30-10-2019 there was a quarrel between the husband and the deceased. The complainant who is the mother of deceased was present at the place of incident. In the FIR there are specific allegations against applicant no.1 who is mother-in-law of the deceased. The husband and father-in-law of the deceased were arrested and they are in custody. Applicant nos.2 and 3 are brother-in-law of the deceased. Learned counsel for applicant submitted that the allegations are vague in nature. The incident of suicide can at the most be triggered on account of incident dated 30-10-2019

wherein there was a quarrel between the deceased and her husband. The husband is already arrested and in custody. The father-in-law is also in custody. Applicant no.1 is senior citizen and a minor child is in their custody. The allegations against the accused are vague in nature and since the co-accused are in custody, the custodial interrogation of the applicants is not necessary. It is submitted that the requisite ingredients of Section 306 of IPC are not attracted.

3. Learned APP vehemently opposed the application. It is submitted that investigation is in progress. The statement of complainant and the father of the deceased attributes role to the accused.

4. It is pertinent to note that the incident had occurred on 30-10-2019 i.e. within a period of one year from the date of marriage. The complainant has attributed specific allegations of harassment to applicant no.1. The investigation is in progress. It is necessary to note that the deceased has taken drastic step of committing suicide when there is a child of three months. Custodial interrogation of the applicant no.1 is necessary. As far as applicant nos.2 and 3 are concerned, they are brother-in-law of the deceased. In the facts of this case, their custodial interrogation is not necessary. Hence, benefit u/s 438 of Cr.PC can be granted to applicant nos.2 and 3. In the circumstances, I pass following order :

ORDER

(i) Anticipatory Bail Application qua applicant no.1 stands rejected;

- (ii) In the event of arrest of applicant nos.2 and 3 in connection with CR No.694 of 2019 registered with Bhosri MIDC Police Station, the applicant nos.2 and 3 may be released on bail on their furnishing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iii) Applicant nos.2 and 3 shall report the Investigating Officer on 18, 19 and 20 November 2019 between 10 am and 12 noon and thereafter as and when required till filing of charge sheet;
- (iv) Criminal Anticipatory Bail Application No.2441 of 2019 is disposed of.

(PRAKASH D. NAIK, J.)

MST