

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 955 OF 2020

- 1) Mandabai w/o Bhagwan Thombre,
Age 48 years, Occ. Household/Agril.
R/o. Salwadgaon, Tq. Paithan,
District Aurangabad.
 - 2) Swati w/o Omprakash @ Bharat Navthar,
Age 30 years, Occ. Household/Agril.
R/o. Plot No. G-26/6, N-6, CIDCO,
Sambhaji Colony, Aurangabad.
- ... **Applicants.**

VERSUS

The State of Maharashtra,
Through Police Inspector,
Pachod Police Station,
Tq. Paithan, Dist. Aurangabad.

... **Respondent.**

...

Advocate for the Applicant : Mr.Chaudhari Nitin K.
APP for the Respondent/State : Mr. P. B. Borade.

CORAM : MANGESH S. PATIL, J.

DATE : 26/11/2020

PER COURT :

The applicants are the mother in law and married sister in law of the deceased, who are seeking bail in the event of their arrest in connection with an offence registered *inter alia* regarding abetment of suicide and cruelty, bearing Crime No. 295/2020, registered with Pachod Police Station, District Aurangabad for the offences punishable under Sections 306, 498A, 323, 506 read with Section 34 of the Indian Penal Code.

2. The F.I.R. has been lodged by the father of the deceased with the allegations that she was married three years prior to her death. She was maintained properly for a period of one year and subsequently was subjected to cruelty by the husband and the in laws including the present applicants. There was demand for money. She was constantly taunted for

not paying dowry and gifting sufficient gold. The harassment meted out to the deceased left her with no other choice but to end her life.

3. The learned advocate for the applicants submits that the allegations in the F.I.R. are vague and omnibus. Even there is contradiction in material respect in the allegations levelled in the F.I.R. and in a complaint filed couple of days prior to lodging of the F.I.R. by the father/informant with the Superintendent of Police, wherein the allegations were also in respect of murder of the deceased.

4. The learned advocate for the applicants submits that the applicants are women. They are not likely to jump bail. Going by the allegations their custodial interrogation is not necessary. They have not misused the ad-interim anticipatory bail granted to them. They are ready to cooperate the Investigating Officer and the ad-interim anticipatory bail may be confirmed.

5. The learned A.P.P. opposes the application. He submits that the investigation is at a preliminary stage. Since it is only the in laws of the deceased who would be witness to the illtreatment meted out to her, custodial interrogation of the applicants is necessary to complete the investigation. The offence is serious. A woman has lost life. She having committed suicide within seven years of marriage, there is a presumption in favour of the prosecution and the application may be rejected.

6. I have carefully gone through the papers. At this juncture except the statement in the F.I.R. there is no material to attribute any other overt act to either of the applicants. Going by the allegations in the F.I.R., so far as the applicants are concerned *ex facie* the allegations are vague and omnibus. There are no allegations about applicants having ever physically harmed the deceased. The applicants are women. They have already been protected by ad interim anticipatory bail. There are no allegations about they having misused it.

7. Considering all these aspects the application is allowed. The ad-interim relief granted to the applicants by the order dated 03.11.2020 stands confirmed with the same terms and conditions.

(MANGESH S. PATIL, J.)

mkd