

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

ANTICIPATORY BAIL APPLICATION NO.623 OF 2019

1. Mrs. Laxmi Babulal Bhansali (since deceased)
2. Babulal Siremalji Bhansali Applicants

versus

State of Maharashtra Respondent

.....

- Mr.Aabad Ponda, Senior Advocate a/w Mr.Hamdun Weldon i/b. Probus Legal, Advocate for Applicants.
- Mr.S.R. Agarkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 04th NOVEMBER, 2020

P.C. :

1. Vide order dated 18/09/2020, it was recorded that the Applicant No.1 has passed away. The application is considered only for Applicant No.2. He is treated as the sole Applicant.

2. The Applicant is seeking anticipatory bail in connection with C.R.No.30/2019 registered with V.P Road Police Station, under sections 498-A, 304-B, 306 r/w 34 of the Indian Penal Code.

Pradeepkumar
P. Deshmane
Digitally
signed by
Pradeepkumar
P. Deshmane
Date:
2020.11.05
17:05:58
+0530

Nesarikar

3. The FIR is lodged by mother, Mrs.Vimla Mukesh Shah, of the deceased Poorvi Bhansali. It is stated in her FIR that on 22/04/2015, her daughter Poorvi had got married with the Applicant's son Rahul. In the FIR it is mentioned that after marriage the Applicant, his wife and his son i.e. Poorvi's husband, used to cause harassment to her. It is alleged that, she was frequently abused. She was not given meals on time etc. About 1 ½ years prior to the incident, the Applicant's wife called the informant and had complained to her that Poorvi was not behaving properly. Various other grievances about her behaviour were made. It is alleged in the FIR that Poorvi was harassed because the Applicant's elder daughter-in-law had brought expensive articles from her parents.

4. The FIR mentions that on 01/02/2019, the informant, her daughter-in-law Shilpa and Poorvi had gone for shopping. At that time, Poorvi had again complained about the harassment.

She had told that the Applicant had deliberately thrown away milk and water in the morning. Poorvi had complained about this fact to Rahul, but he had ignored her. On 04/02/2019 Poorvi committed suicide by hanging herself in her house. On this basis, FIR is lodged.

5. Heard Mr.Aabad Ponda, learned senior counsel for the Applicant and Mr.S.R. Agarkar, learned APP for the State.
6. Mr.Ponda submitted that there are general allegations against the Applicant. He invited my attention to the diary maintained by Poorvi, in which the allegations were made against the informant's own son Ankit i.e. Poorvi's brother and Ankit's wife Shilpa. He submitted that the contents of the diary showed that there was some other reason to commit suicide. That diary is part of the chargesheet.
7. Learned APP invited my attention to the statements of neighbours etc.

8. I have considered these submissions. The allegations in the FIR are general in nature. There are no specific incidents mentioned in the FIR, suggesting harassment caused to the deceased by the Applicant. The incidents and allegations against the Applicants are very minor. Diary of the deceased mentions her state of mind, wherein she had made allegations against her own brother and her brother's wife. The statements of neighbours also do not help the prosecution case. One of the neighbours had stated about the incident which had allegedly taken place more than one year prior to the commission of the suicide of deceased. In that incident the Applicant had allegedly touched the deceased inappropriately. However, there is no corroborative evidence supporting this claim. The deceased herself had not mentioned this fact to her mother or other relatives. The statement of liftman of the building also does not support the prosecution case against the present Applicant. The allegations against the Applicant are vague. Considering all these circumstances, the custodial interrogation of the Applicant is not necessary. He deserves protection of anticipatory bail.

There are no specific allegations of demand of any amount from the deceased or her family at the instance of the present Applicant.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.30/2019 registered with V.P Road Police Station, the Applicant No.2 Babulal Siremalji Bhansali is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with one or two sureties, in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)