

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 969 of 2020

Manali
P.
Tilak

Digitally
signed by
Manali P.
Tilak
Date:
2020.12.18
12:18:03
+0530

Shalaka Dhananjay Nivangune

.. Applicant

Versus

The State of Maharashtra

.. Respondents

...

Mr. Sumit Khaire for the applicant.

Mr. S.V.Gavand, APP for the State.

CORAM: BHARATI DANGRE, J

DATED : 16th DECEMBER, 2020

P.C:-

1 The applicant is the sister-in-law of deceased Bhagyashree who hanged herself in her flat on 13th November 2020 and it has been opined that the cause of death is axfetia due to hanging. Complaint came to be lodged by the father of the deceased on 14th November 2020, based on which offence under section 498A, 306, 323, 504, 506 of the IPC read with Section 34 of the IPC has been invoked. Apart from the husband, the other relatives, including the present applicant, have been indicted for the said offence. Apprehending his arrest in the said C.R., the applicant has approached this Court after invoking the jurisdiction of the Addl. Sessions Judge, Pune who rejected her

Tilak

application on 3rd December 2020.

2 With the assistance of the learned counsel for the applicant and the learned APP Mr.Gavand, I have perused the FIR. As per the complainant, his daughter is married to Nishikant, accused no.1 in December 2016 and a daughter who is aged 2 years is born out of the said wed-lock. It is alleged that at the time of her marriage, her father-in-law, mother-in-law, brother-in-law were residing with them. It is then alleged that the brother-in-law got married to the present applicant on 22nd May 2017 and they started residing together. It is then alleged that since there was increase in the family members, there was scarcity of space, the son-in-law started demanding a flat and expected some monetary contribution for purchase of the said flat. The details of the venture where the flat was searched are contained in the said complaint. Being pressurized, he transferred one guntha land in the name of his son-in-law and one guntha, he transferred in the name of his son and it is alleged that, that was the cause for the harassment faced by his daughter. It is alleged that the father-in-law, mother-in-law, husband, brother-in-law and sister-in-law, (applicant) used to taunt her and cause despise. It is alleged that the applicant also contributed. Some allegations are levelled against the son-in-law who had attempted to strangle her some two years back. It is then stated that 15 days prior to the incident, another flat was hired and his daughter along with her husband

and child started residing there separately. On 13th November 2020, she hanged herself and was taken to Sassoon Hospital where she succumbed.

3 On perusal of the allegations levelled in the complaint which invoke Section 306, it can be seen that there are no specific allegations levelled against the present applicant. She was introduced in the family only in the month of May 2017 and the allegations levelled against her are general in nature, without any specifications. Omnibusly, it was stated that his daughter was being harassed by her in-laws and the applicant was also one of them. This resulted in her committing suicide. In absence of any specific allegations without mention of any dates or incidents, offence under Section 306, prima facie cannot be said to be made out specifically when the ingredients in the said offence contemplate aiding, assisting or abetment in commission of suicide.

4 In the aforesaid circumstances, subject to the stipulation that applicant will co-operate with the investigation, she is held entitled for bail in anticipation of her arrest. Hence, the following order :-

ORDER

Application is allowed.

- (a) In the event of her arrest, the Applicant – Shalaka Nivangune in connection with C.R.No. 1513 of 2020 registered with Sahakar Nagar Police Station, Pune shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall make herself available as and when required by the Investigating Officer.

(BHARATI DANGRE, J)