

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

922 ANTICIPATORY BAIL APPLICATION NO.135 OF 2021

- 1) Govindrao s/o Narayan Ingale,
Age 80 years, Occ. Nil,
R/o. Village Rahegaon,
Tq. and Dist. Nanded.
- 2) Nilawatibai w/o Govindrao Ingale,
Age 70 years, Occ. Nil,
R/o. Village Rahegaon,
Tq. and Dist. Nanded.
- 3) Rukhmani w/o Ramchandra Bhong,
Age 42 years, Occ. Household,
R/o. Rahegaon, Tq. and Dist. Nanded. ...Applicants

Versus

The State of Maharashtra,
P.S.O., P.S. Nanded Gramin Police Station. ...Respondent

...
Advocate for Applicants : Mr. Abhaysinh K. Bhosle
APP for Respondent-State : Mr. P.G. Borade

...
CORAM : MANGESH S. PATIL, J.

DATE : 02 MARCH 2021

PER COURT :

The parents in-law and married sister in-law of the deceased are seeking bail in the event of their arrest in connection with Crime No.858/2020 registered with Nanded Rural Police Station for the offences punishable under Section 304-B, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, when she allegedly

committed suicide, while cohabiting with the husband and the applicants . The FIR has been lodged by her brother.

2. The learned Advocate for the applicants would submit that there are variety of reasons as can be made out from the FIR to show that the deceased was having some grudge against the husband because of his illicit relations with a widow of his pre-deceased brother. She has also been arrayed as an accused. He would further point out that it was second marriage of the husband as well as the deceased. The allegations against the applicants are vague and omnibus. The applicants No.1 and 2 are aged. The applicant No.3 resides in the same village but in in her matrimonial home. The husband has already been arrested and even he has been granted regular bail. The investigation is almost over. The applicants are ready to co-operate with the Investigating Officer. Nothing is to be recovered from the applicants and the application be allowed.

3. The learned APP duly assisted by the learned Advocate for the original informant strongly opposes the application. She submits that there are specific allegations about demand of balance amount of dowry and ill-treatment on that count. She would further submit that even the applicants had played role in demanding the dowry and subjecting her to cruelty. When the deceased tried to raise grievance with the applicants against the husband for his illicit relations, instead

of asking him to correct his behaviour, she was ill-treated, teased and blamed for publicizing the issue. There is active involvement of the applicants and the offence being serious, the deceased having committed suicide within one and half year of her marriage, the Investigating Officer may be given an opportunity to resort to their custodial interrogation.

4. I have carefully gone through the papers. As can be understood from the FIR and the papers of the investigation, there could be variety of reasons for the deceased to be under mental stress. Already, it was a second marriage for the couple. There was demand for money i.e. balance amount of the dowry. Then the husband was having illicit relations with his widowed sister-in-law. In spite of having made grievances, the applicants were reluctant to convince him to avoid illicit relations and all these facts and circumstances, seem to have cumulatively led her to commit suicide.

5. So far as demand of dowry is concerned, the allegations in the FIR do not attribute specific and exclusive role to the applicants. The allegations are vague and omnibus stating that all the accused persons were demanding the balance amount of dowry.

6. So far as the attitude of the applicants, when the deceased had approached them complaining about the illicit relationship of the

husband and their reluctance to convince him is being looked upon as a suspicious circumstance by the prosecution. Considering the fact that the accused persons are not being charged for instigating the deceased to commit suicide, this allegation regarding their reluctance to convince the husband from resisting himself from the illicit relations would be of little significance.

7. Coupled with the aforementioned state of affairs, the husband against whom the deceased was primarily having a serious grudge has been arrested. The Investigating Officer must have had sufficient opportunity to have his custodial interrogation. He has been granted regular bail. As can be noticed from the order in his respect, the investigation is almost complete. The applicants No.1 and 2 are parents in-law, who are more than 70 years, whereas, the applicant No.3 is married sister-in-law.

8. Taking into account all the aforementioned state of affairs, the application deserves to be allowed.

9. The Application is allowed.

10. In the event of arrest of the applicants in connection with Crime No.858/2020 registered with Nanded Rural Police Station for the offences punishable under Section 304-B, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, they shall be released on bail

on their executing personal recognizance for an amount of Rs.20,000/- (Rupees twenty thousand) each and furnishing a solvent surety in the like amount each, subject to the following conditions:

- a) They shall attend the concerned Police Station as and when called by the Investigating Officer and shall co-operate the Investigating Officer.
- b) They shall not tamper the evidence or influence the witnesses.

(MANGESH S. PATIL, J.)

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