

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

912 ANTICIPATORY BAIL APPLICATION NO. 177 OF 2021

SHALINI PRAKASHRAO AMBHURE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. S.J. Salunke.
APP for Respondent : Mr. S.P. Sonpawale.

**CORAM : MANGESH S. PATIL, J.
DATED : 09.04.2021**

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure, by accused No. 6 from Crime No. 476/2020 registered with Partur Police Station, District Jalna, for the offences punishable under Sections 304 (B), 498 (A), 323, 504, 34 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

2. The applicant happens to be the mother-in-law of the deceased.
3. Shortly stated the allegations as can be found from the FIR and the copy of the charge sheet are to the effect that the deceased was married to the son of the applicant on 27.02.2020. However soon after her marriage, after about couple of months, she was subjected to ill treatment on account of demand for balance amount

of dowry. She was physically and mentally tortured by all the relations from the husband and fed up with that she committed suicide within eight months of her marriage.

4. The learned Advocate for the applicant would submit that accepting the allegations in the FIR and the charge sheet including the statement of the witnesses, no specific role is attributable to the applicant either in demanding of money or subjecting the deceased to cruelty. The allegations in the FIR are vague and omnibus. Even the statements of the witnesses do not reveal and attribute any role to the applicant in demanding money and harassing the deceased.

5. The learned Advocate would further point out that even in the statement recorded under Section 164 of the Cr.P.C. of the mother of the deceased no allegations have been made against the applicant in that respect. Applicant is a women aged 54 years. She is not likely to jump the bail. Already the main accused have been arrested and even the charge sheet has been filed. She has not been absconding. She is very well present at her home and she may be granted anticipatory bail.

6. Learned APP opposes the application. He submits that the deceased has died within eight months of her marriage. A

presumption is available for the prosecution to be invoked. At this juncture scrutiny of the evidence is not to be resorted to. There are enough allegations against the applicant. She is the mother-in-law of the deceased. There is every possibility of her taking part in demanding the dowry and harassing the deceased. Besides, she has been absconding since inception and the charge sheet has been filed against the main accused by showing her to be absconding. The application be rejected.

7. I have carefully gone through the papers and the charge sheet. As far as the FIR is concerned, the allegations regarding demand for dowry and harassment are vague and omnibus qua the applicant. No specific and exclusive overt act is attributed to her either in demanding the money or harassing the deceased. A careful perusal of the charge sheet with the assistance of the learned Advocate of the applicant and the learned APP also does not reveal that any specific overt act is attributed to her by any of the prosecution witnesses whose statements have been recorded.

8. Over and above, a statement of the mother of the deceased has been recorded under Section 164 of the Cr.P.C. She has simply stated about the husband having subjected the deceased to cruelty on account of his demand for a ring. There is no whisper about any

demand for money by the applicant or she having subjected the deceased to cruelty. For that matter, even there is no whisper about the deceased having complained to her alleging about the applicant having indulged in any such activity.

9. Considering all the aforementioned state of affairs, it would be just and proper to grant anticipatory bail to the applicant.

10. The application is allowed.

11. In the event of arrest of the applicant, she be released on bail on executing Personal Recognizance for an amount of Rs. 20,000/- (Rupees twenty thousand) and furnishing a solvent surety in the like amount subject to the conditions :

- (a) She shall attend the concerned police station as and when called by the Investigating Officer and co-operate him.
- (b) She shall not tamper any evidence or influence the witnesses.

(MANGESH S. PATIL, J.)