

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

ANTICIPATORY BAIL APPLICATION NO. 469 OF 2021

1. Shaneshwar Machhindra Nawale
Age: 34 years, Occu.; Agri.,

2. Mirabai Machhindra Nawale
Age; 54 years, Occu.: Household,

Both R/o Takli Kadewalit, Tq. Shringonda,
Dist. Ahmednagar ..APPLICANTS

VERSUS

1. State of Maharashtra

2. The Superintendent of Police
At Ahmednagar, Tq. & Dist. Ahmednagar ..RESPONDENTS

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Mr. N.C. Garud, Advocate for applicants
Mr. P.N. Kutti, A.P.P. for respondents

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CORAM : R.G. AVACHAT, J.
RESERVED ON : 28th MAY, 2021
PRONOUNCED ON : 03rd JUNE, 2021

PER COURT :

1. Heard. Perused First Information Report ("F.I.R." for short) and related papers.

2. This is an application under Section 438 of Code of Criminal Procedure. The applicants claim to have reasonable apprehension of being arrested in connection with Crime No. 194 of 2021 registered at Shringonda

Police Station, Dist. Ahmednagar for the offences punishable under Sections 306, 498-A read with Section 34 of the Indian Penal Code.

3. The F.I.R. has been lodged by the mother of deceased – Archana. It has been averred in the F.I.R. that the deceased married Application No.1 - Shaneshwar ten years ago. The couple was blessed with two daughters. The deceased was treated well for a period of first two years of marriage. Thereafter, both the applicants started ill treating the deceased for one or other reason. They even starved her. It is further averred that on the fateful day, the deceased told the informant that the applicants have been continuously ill-treating her and same had become unbearable. After four hours thereafter, the deceased committed suicide.

4. Learned counsel for the applicants would submit that the deceased had ten years of marital life. She had been blessed with two daughters. The deceased had been continuously suffering from headache. She had all along been under treatment. The deceased was, therefore, fed up with the life. According to learned counsel, no custodial interrogation is required of the applicants. Applicant No.2 – mother-in-law is fifty four years of age. She has been suffering from ovarian cancer. He, therefore, urged to allow the application.

5. Learned A.P.P would, on the other hand, submit that hours before the deceased committed suicide, she had informed her mother on telephone that the ill treatment given by the applicants became unbearable and, therefore, she decided to end her life. He, therefore, urged for rejection of the application.

6. True, the deceased had been married Applicant No.1 ten years before. The deceased was blessed with two daughters. There are however, specific allegations in the F.I.R. that few hours before the deceased committed suicide, she had told the informant on telephone that both the applicants had been ill treating her and the ill treatment became unbearable. I am, therefore, not inclined to grant anticipatory bail to Applicant No.1 – husband.

7. Applicant No.2 – mother-in-law is fifty four years of age. There are medical papers on record to indicate that she is suffering from ovarian cancer. I am, therefore, inclined to grant her the relief. Hence, the following order :-

ORDER

(I) Anticipatory bail application is rejected as against Applicant No.1 – Shaneshwar Macchindra Nawale.

(II) In the event of arrest of Applicant No. 2 – Mirabai Machhindra Nawale, in connection with Crime No. 194 of 2021 registered at Shrigonda Police Station, Dist. Ahmednagar for the offences punishable under Sections 306, 498-A read with Section 34 of the Indian Penal Code, she be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.

(III) She shall appear before the investigating officer, as and when required for the investigating purpose.

(IV) She shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD