

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 684 OF 2021

Vijayabai Jabwant Gaikwad,
Age : 49 Years, Occ. Household,
R/o. Jategaon Tq. Jamkhed,
Dist. Ahmednagar. .. Petitioner

Versus

The State of Maharashtra .. Respondent

...
Advocate for the Petitioner : Mr. N. V. Gaware
A.P.P for Respondent- State : Mr. A. V. Deshmukh
...

CORAM : SANDEEP K. SHINDE, J.

DATE : 04.08.2021

PER COURT :-

Heard.

2. Applicant is mother-in-law of Shital (deceased). Shital committed suicide in the matrimonial home at Jategaon on 18th May, 2021. Applicant seeks pre-arrest bail in connection with Crime No. 231 of 2021 dated 20.05.2021, registered on FIR lodged by the father of the deceased Shital. Primary evaluation of the First Information Report shows that soon after the marriage since March-2017, Shital and her husband were living at Panvel. It appears, three months

before the incident deceased and her husband had been to village Jategaon, Taluka Jamkhed, District Ahmednagar, to make preparation of Sujit's marriage. The FIR imply Sujeet (brother-in-law of deceased) was employed in Dubai. Complainant's (father of the deceased) alleged that mother-in-law, brother-in-law and husband were harassing Shital with a view to coercing her to meet their unlawful demands for property. He would allege the ill-treatment meted out to her was sounded to him by Shital. Thus, he would allege that the recurring harassment and humiliation caused to Shital by the applicant and co-accused, left Shital with no option but to commit suicide. On report, the crime came to be registered for the offences punishable under Sections 304-B, 306, 323, 498-A, 504 and 507 read with Section 34 of the Indian Penal Code (IPC) against the applicant (mother-in-law), Sachin (husband) and Sujeet (brother-in-law) of deceased.

3. I have perused the charge sheet. It reveals that since marriage, Shital and her husband were living at Panvel; whereas, her mother-in-law was/is ordinarily residing at village Jategaon. The chargesheet also indicates that Shital had been to village Jategaon three months before the

incident.

4. Learned counsel for the applicant would submit that the FIR contains unqualified and stray allegations of harassment caused to the deceased, on account of failure by her to meet the alleged demand for property. He would submit, deceased Shital was living away from the applicant with her husband at Panvel, since marriage, and therefore, allegations of harassment meted to her by the applicants were not probable. It is submitted that even assuming but without admitting that there were quarrels, disputes and differences between the applicant and the deceased, but that itself cannot be said to be instigation by the applicant to prompt and push the deceased to commit suicide. In other words, it is submitted that the evidence on record falls short of the requirements of Section 107 of IPC, pre-arrest bail is sought.

5. Learned APP has brought to my notice the statements of neighbours to suggest that quarrel and dispute ensued between the applicant and the deceased prompted the deceased to end her life.

6. Herein, the allegations against the applicant of

unlawful demand and harassment of deceased on account of failure by her to meet such demand were extremely general and indefinite. Indisputably, since marriage, the applicant was living separately with her husband in another district at Panvel; therefore, recurring harassment and humiliation caused by the applicant, led the deceased, to commit suicide, were not probable. The person, who is said to have abetted the commission of suicide, must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide.

7. Herein the material, *prima facie*, does not satisfy the ingredients of Section 107 of IPC. Even otherwise, the husband of deceased has been arrested and chargesheet is filed against them, which shows the investigation is over. In consideration of the facts stated above, in my view, custodial interrogation of the applicant may not further the prosecution case.

8. Applicant is a woman and her presence for further investigation and trial can be secured by imposing suitable conditions.

9. For the reasons stated above, the application

deserves to be granted on the following terms -

- (i) In the event of arrest of the Applicant- Vijayabai Jabwant Gaikwad, in connection with Crime No. 231 of 2021, registered with Jamkhed Police Station, Taluka Jamkhed, District Ahmednagar, for the offences punishable under Sections 304-B, 306, 323, 498-A, 504 and 507 of the Indian Penal Code, she shall be released on bail on executing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or more sureties in the like amount.
- (ii) The applicant shall join the investigation as and when called by the Investigation officer.

10. Application is allowed in the aforesaid terms and disposed of, accordingly.

11. It is made clear that the observations made herein above, be construed, is expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

**(SANDEEP K. SHINDE)
JUDGE**