

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

ANTICIPATORY BAIL APPLICATION NO. 785 OF 2020

Sanjanbai @ Sandhya Dnyandeo Devkate,
Age 60 years, Occupation Household,
R/o. Thite Sangavi, Tq. Shrigond,
District Ahmednagar. ... Applicant.

VERSUS

The State of Maharashtra,
Through Police Station Officer,
Shrigonda Police Station, District
Ahmednagar. ... Respondent.

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ANTICIPATORY BAIL APPLICATION NO. 819 OF 2020

Archana Nagnath Gaikwad,
Age 30 years, Occupation Govt. Service
R/o. Vimukta Bhatka Zopadpatti,
Nr. Parshuram Vayam Shala, Wangi
Road, Solapur, District Solapur. ... Applicant.

VERSUS

The State of Maharashtra,
Through Police Station Officer,
Shrigonda Police Station, District
Ahmednagar. ... Respondent.

...

Advocate for the Applicants : Mr. N.V. Gaware, h/f Mr. Z. H. Farooqui
APP for the Respondent/State : Mr. V.M. Kagne.

CORAM : MANGESH S. PATIL, J.

DATE : 20.01.2021.

PER COURT :

These are the applications under Section 439 of the Code of Criminal Procedure as the respective applicants are apprehending that they would be

arrested in connection with Crime No. 635/2020, registered with Shrigonda Police Station District Ahmednagar for the offences punishable under Sections 304B, 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. The F.I.R. has been lodged by the deceased who happens to be the wife of the main accused No. 1. Their marriage had taken place on 31.01.2016. Since inception he was having illicit affair with a lady P.S.I. from his place of posting. He used to demand dowry for buying car and then for construction of house on a plot purchased by him. It is being alleged that he used to physically and mentally illtreat her and she died under suspicious circumstances on 14.07.2020.

3. The learned advocate for the applicants submits that as far as one of the applicants who happens to be the mother in law of the deceased, the suicide note specifically exonerates her. Similarly it exonerates the father in law and the brother in law who have been granted bail by this Court in Bail Application No. 1067/2020 by the order dated 01.10.2020. The mother in law sails in the same boat and deserves anticipatory bail more so when there are no specific and concrete allegations attributing her, in demanding money.

4. So far as the other applicant Archana is concerned she is alleged to be in an illicit relation with the main accused. She is not related to him by blood so that provisions of Section 498A and 304B of the Indian Penal Code could be attracted against her. Though there are allegations that she along with the main accused once beaten the deceased, at the most it would be the offence punishable under Section 323 of the Indian Penal Code which is bailable one and therefore both the applicants be granted anticipatory bail.

5. Learned A.P.P. opposes the application. He fairly conceded that so far as the mother in law is concerned the suicide note which is in the form of a

text message exonerates the mother in law like the father in law and brother in law.

6. The learned A.P.P. would further submit that there are specific allegations against other applicant who has beaten the deceased since the latter was opposing her illicit relations with her husband.

7. I have carefully gone through the papers. Without indulging in any further discussion suffice to observe that the suicide note which is in the form of a text message is in exculpatory nature meaning thereby that it has been specifically mentioned by the deceased that her parents in law and the brother in law had nothing to do with her ordeal.

8. So far as the other applicant who is supposed to be in a relationship with the main accused, admittedly she is not related to him by blood so that the provisions of Section 304B and 498A of the Indian Penal Code can be attracted.

9. Though there are allegations about she also having assaulted the deceased as mentioned in the suicide note, it would at the most constitute an offence of causing hurt punishable under Section 323 of the Indian Penal Code which is a bailable.

10. Considering all the aforementioned facts and circumstances both the applications deserve to be allowed and are allowed.

11. Ad interim bail granted to the applicants stands confirmed on the same terms and conditions.

(MANGESH S. PATIL, J.)

mkd/-