

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

928 ANTICIPATORY BAIL APPLICATION NO. 904 OF 2020

1. KAMALABAI W/O MADANRAO PAWSE
2. SAMBHAJI S/O. MADANRAO PAWSE
3. RANJANA W/O. SAMBHAJI PAWSE
4. JAYSHRI W/O. UMESH GAVHANE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicants : Mr. P.P. More.
APP for Respondent : Ms. R.P. Gour.
Advocate for assist to APP : Mr. R.V. Gore.

**CORAM : MANGESH S. PATIL, J.
DATED : 05.02.2021**

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure, by some of the accused from Crime No. 441/2020, registered with Ambad Police Station, District Jalna, for the offences punishable under Sections 306, 323, 498-A read with Section 34 of the Indian Penal Code.

2. Briefly stated the allegations as can be discerned from the papers of the investigation are to the effect that the deceased was married to the son of the applicant No. 1 on 15.06.2019. There was ill-treatment meted out to her on account of demand for money. Husband and all his relatives subjected her to cruelty. Her dead body

was found in a well. The FIR was lodged by her father and the crime was registered.

3. The learned Advocate for the applicants submits that the investigation has already been completed and even the charge sheet has been filed. The allegations as against the applicants are omnibus and vague. There is no nexus between the suicide and alleged ill-treatment meted out by the applicants to the deceased. The husband and father-in-law of the deceased have already been arrested and the Investigating Officer must have had sufficient opportunity to interrogate them. Custodial interrogation of the applicants is not necessary. Applicants are the mother-in-law, brother-in-law, wife of brother-in-law and the married sister-in-law of the deceased. No specific and precise role is attributed to any of them much less in the proximate time before the death of the deceased. They have been granted ad interim anticipatory bail by this Court by the order dated 16.10.2020. There are no allegations about they having not obeyed the terms and conditions and the interim anticipatory bail may be confirmed.

4. The learned APP assisted by the learned Advocate for the original informant submits that though the charge sheet has been

filed the deceased has died under suspicious circumstances. The Investigating Officer ought to have invoked Section 304 B of the Indian Penal Code. A separate application has already been preferred by the informant to the Investigating Officer and other police superiors making a request to that effect. Therefore, the offence is serious and custodial interrogation of the applicants is necessary.

5. The learned APP would further submit that statements of witnesses have been recorded. All have stated about the ill-treatment the deceased was subjected to. There is a *prima facie* material to reveal involvement of the applicants. Merely because the charge sheet has been filed the Investigating Officer cannot be denied opportunity to have the applicants interrogated and the application be rejected.

6. I have carefully gone through the papers. Admittedly, the charge sheet has been filed for various other Sections other than Section 304 B. Though there is some grievance of the informant that even that provision needs to be invoked, as of now no cognizance of that can be taken at this stage when the Investigating Officer has filed the charge sheet excluding that Section.

7. As can be appreciated from the FIR there was a dispute cropped up even on earlier occasion when the deceased had gone back to her parental home on two occasions. Though there are allegations about the manner in which she was ill-treated on earlier occasion, no specific and precise role is attributed to any of the applicants. The allegations as against them are clearly omnibus.

8. Apart from the above state of affairs, the Investigating Officer having concluded the investigation, perhaps he could do that even without resorting to applicants' custodial interrogation. They have already been protected by way of ad interim relief. There are no allegations about they having committed breach of the conditions.

9. Considering all the aforementioned facts and circumstances, the ad interim relief deserves to be confirmed and is accordingly confirmed with the same terms and conditions except the condition regarding attendance to the police station, which now stands relaxed.

(MANGESH S. PATIL, J.)