

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.889 OF 2021
WITH CRIMINAL APPLICATION NO. 2037/2021

1. DEUBAI W/O DALIT BHORAGE
2. INDU W/O BHIMRAO BHORAGE ...APPLICANTS

VERSUS

THE STATE OF MAHARASHTRA ...RESPONDENT

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Advocate for the Applicants : Mr.Sudhir K. Chavan
APP for the Respondent – State : Ms. V. S. Choudhari
Advocates for informant to assist APP : Mr. V. S. Kakade and
Mr. S. G. Ghongade

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CORAM : V. G. BISHT, J.

DATE : 7th SEPTEMBER, 2021

PER COURT :-

1. Heard. Criminal Application for assisting APP stands allowed in terms of prayer clause 'B' and disposed off.
2. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No.56/2021, registered with Narsi Namdeo Police Station, District Hingoli for the offences punishable under Sections 498-A and 306 read with Section 34 of the Indian Penal Code, 1860.
3. It is the case of prosecution that informant's daughter

Rama (since deceased) was married to accused Sidharth Dalit Bhorage on 04.09.2018. Present applicants are mother-in-law and sister-in-law of deceased Rama respectively. After the marriage she was treated well for a period of one year and thereafter her in-laws started harassing deceased physically and mentally. She was also asked to bring moneys to construct a house. On 15.06.2021, the informant came to know that the deceased committed suicide by hanging herself. Accordingly she lodged the report.

4. Mr. Sudhir K. Chavan, learned counsel for the applicants, submits that there are general allegations of illtreatment and harassment. *Prima-facie* there is no evidence to suggest that the applicants abetted the death of the deceased. Considering the nature of offence there is no necessity of custodial interrogation and, therefore, the present application be allowed, urged learned counsel.

5. Ms. V. S. Choudhari, learned APP for the Respondent - State, on the other hand, would submit that the present applicants alongwith other in-laws of the deceased continuously and constantly subjected deceased to illtreatment on the ground of demand of moneys and thus compelled her to commit suicide. Investigation is in progress.

In such circumstances, the applicant may not be allowed, urged learned APP.

6. I have carefully gone through the contents of the First Information Report. There are allegations of harassment and illtreatment on various grounds including the demand of moneys. The case is not of that kind wherein the custodial interrogation of applicants are necessary. In such circumstances, I am inclined to allow the present application.

7. In view of above, I pass the following order :

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of the applicants - (1) Deubai w/o Dalit Bhorage (2) Indu w/o Bhimrao Bhorage herein in connection with Crime No. 56/2021, registered with Narsi Namdeo Police Station, District Hingoli for the offences punishable under Sections 306 and 498-A read with 34 of the Indian Penal Code, 1860, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs.20,000/- (Rupees Twenty Thousand only], each with one or two sureties in the like amount.
- (iii) The applicants shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
- (iv) Application is accordingly disposed off.

**(V. G. BISHT)
JUDGE**