

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1141 OF 2020

Gayabai w/o Nanasaheb Raut,
Age : 65 years, Occu. Agri.,
R/o Raut Vasti, Dahegaon,
Tq. Gangapur, Dist. Aurangabad

APPLICANT

VERSUS

The State of Maharashtra,
through Police Inspector,
Waluj Police Station,
Tq. Gangapur, Dist. Aurangabad

RESPONDENT

Mr. K.B. Jadhav, Advocate for the applicant
Mr. S.W. Mundhe, A.P.P. for the respondent/State

CORAM : MANGESH S. PATIL, J.

DATE : 15.01.2021

PER COURT :

Heard both sides.

2. The applicant happens to be the mother-in-law of the deceased and is now apprehending her arrest in connection with Crime No.235/2020, registered with Waluj Police Station, District Aurangabad for the offences punishable under Sections 306, 498-A read with Section 34 of the Indian Penal Code. She is seeking bail under Section 438 of the Code

of Criminal Procedure in the event of her arrest in connection with the aforesaid Crime.

3. The allegations are to the effect that the deceased had put in five years marital life and had begotten couple of children. Her husband had raised demand of money which she had told her parents by making a phone call on 05.11.2020. They had assured her to pay the money after a few days. On 08.11.2020, she again made a phone call and told them that the husband and the mother-in-law were persisting with the demand and were harassing her. She also told that her husband had abused and beaten her under the influence of liquor. They again promised to pay the money but before they could do that, she committed suicide by jumping into a well on 09.11.2020.

4. The learned Advocate for the applicant submits that except a bald allegation that even the applicant was demanding money or harassing the deceased, there is absolutely no other material. The applicant is a lady aged more than 60 years. She has been granted ad-interim relief. There are no allegations about she having committed breach of the conditions. She is ready to cooperate the Investigating Officer. Her custodial interrogation is not necessary. The husband of the deceased has already been arrested and released on bail and therefore, the ad-interim relief granted to her may be confirmed.

5. The learned A.P.P opposes the application. He submits that there

are specific allegations in the FIR and the statements of the parents and grandparents of the deceased that even the applicant was persisting with the demand of money.

6. I have carefully gone through the papers. As has been submitted by the learned Advocate for the applicant, except a one line statement in the FIR that even the applicant was demanding money and had harassed the deceased, there is absolutely no other material to reveal specific role of the applicant in subjecting the deceased to cruelty.

7. The deceased had put in five years marital life and had begotten couple of children. However, the statements of her parents and grandparents do not reveal that she had at any earlier point of time made any such similar grievance much less attributing something to the applicant.

8. The husband of the deceased has already been arrested and released on bail.

9. The applicant is a lady aged more than 60 years and has been granted ad-interim relief. There are no allegations about she having committed breach of the terms and conditions. Apparently there is nothing to be discovered from or recovered by the applicant. Her custodial interrogation does not seem to be imperative.

10. The application is allowed. The ad-interim relief granted by order dated 09.12.2020 is confirmed with the same terms and conditions.

[MANGESH S. PATIL]
JUDGE

npj/ABA1141-2020