

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

14 ANTICIPATORY BAIL APPLICATION NO. 1154 OF 2020

**MANGALBAI W/O. RAMA LANDGE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

Advocate for Applicants : Mr. P.M. Gaikawad.
APP for Respondent : Ms. R.P. Gour.

**CORAM : MANGESH S. PATIL, J.
DATED : 01.02.2021**

PER COURT :

The mother-in-law and married sister-in-law of the deceased are apprehending their arrest in connection with Crime No. 428/2020 registered with MIDC Police Station, Taluka Gangapur, District Aurangabad for the offences punishable under Sections 306, 323, 504, 506, 34 of the Indian Penal Code, when she committed suicide and are seeking bail in the event of their arrest.

2. Shortly stated the allegations are to the effect that since after her marriage the deceased was subjected to cruelty by the husband, the parents-in-law and the sister-in-law. There was a demand for dowry and she was subjected to physical and mental torture. In spite of begetting couple of girls, the ill-treatment

continued and fed up with such persistent ill-treatment she committed suicide by consuming poison.

3. The learned Advocate for the applicants submits that the applicants are women. Though there are allegations in the FIR attributing some role to them, the role is omnibus. No specific overt act is attributed to them. Nothing is to be discovered or recovered from the applicants. They are ready to cooperate the Investigating Officer and may be protected by way of anticipatory bail.

4. Learned APP strongly opposes the application. She submits that the role is attributed to both the mother-in-law and the sister-in-law. They were constantly harassing the deceased. Though there is apparently a dying declaration which is exculpatory in nature, there is every room to believe that it was so recorded because of the plight of the deceased that her two girls aged two and half year and seven months are in the custody of the applicants. Though it is stated to be a case of poisoning, nothing was found inside the house to corroborate this fact. The husband and father-in-law are still absconding. Releasing the

applicants on bail is likely to cause prejudice to the Investigating Officer and the application may be rejected.

5. I have carefully gone through the papers of the investigation. Deceased was married in the year 2017 and has died within four years of her marriage. The post mortem report reads about she having died of poisoning. However no injuries were found. There is a dying declaration as well. Obviously one need not proceed on whatever has been stated in the dying declaration for the simple reason that there could be several possibilities. The fact remains that the deceased died of poisoning.

6. Conspicuously, though at several places in the FIR it has been mentioned that the the applicants were also ill-treating the deceased for variety of reasons, the allegations are vague and omnibus. The applicants are women. The two small children are in their custody. Considering these facts and circumstances, the applicants deserve to be granted anticipatory bail subject to suitable conditions.

7. The application is allowed.

8. In the event of arrest of the applicants, they shall be released on bail on executing Personal Recognizance for an amount of Rs. 20,000/- (Rupees twenty thousand) each and furnishing solvent surety in the like amount each subject to the following conditions :

(a) They shall attend the concerned police station on every Saturday starting from 06.02.2021 between 12:00 p.m. and 02:00 p.m. till filing of the charge sheet and shall cooperate the Investigating Officer.

(b) They shall not tamper the evidence and influence the witnesses.

(MANGESH S. PATIL, J.)