

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 ANTICIPATORY BAIL APPLICATION NO.1087 OF 2021

Usha w/o Limbraj Jagdale ...Applicant

Versus

(1) The State of Maharashtra

(2) Superintendent of Police,
Osmanabad, Dist.Osmanabad ...Respondents

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Advocate for the Applicant : Mr. S. B. Choudhari
APP for the Respondent – State : Mr. N. T. Bhagat

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CORAM : PRAKASH D. NAIK, J.

DATE : 06th OCTOBER, 2021

PER COURT :-

1. The applicant is apprehending arrest in C.R. No.40/2019 registered with Tuljapur Police Station, District Osmanabad for the offence punishable under Section 306 read with Section 34 of Indian Penal Code. The First Information Report (For short "FIR") was registered on 21.01.2019.

2. The complaint was lodged by the cousin of the victim. The applicant is wife of victim. The marriage was solemnized on 28.06.2012. It is alleged that on 19.01.2019 the victim had

committed suicide by hanging. The applicant was missing from the house. The missing complaint was filed on 15.11.2018. It is alleged that she had eloped with the person from her neighbourhood and on account of the said incident the victim was frustrated and was compelled to commit suicide.

3. Learned counsel for the applicant submitted that the FIR is false and the offence under Section 306 of IPC is not made out. The applicant is a lady having 2 minor children.

4. Learned APP submitted that there are statements of witnesses including the complainant which indicate that the victim was frustrated. The applicant had cordial relations with the another person and she had left the house with that person.

5. I have perused the FIR. The applicant is wife of victim. On perusal of the FIR it is debatable whether Section 306 of IPC can be invoked in the present case. The applicant is having two minor children. In the light of the factual aspect of this matter, the applicant need not be subjected to custodial interrogation.

ORDER

- (i) Anticipatory Bail Application No. 1087 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in Crime No. C.R. No.40/2019 registered with Tuljapur Police Station, District Osmanabad, the applicant be released on bail on executing PR bond in the sum of Rs.20,000/- (Rupees Twenty Thousand only) with one or more sureties in the like amount.
- (iii) The applicant shall appear before the Investigating Officer as and when called for.
- (iv) Application is disposed of.

(PRAKASH D. NAIK)
JUDGE

shp/-