

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

933 ANTICIPATORY BAIL APPLICATION NO.1160 OF 2020

**1] SUBHASH ANANDA KAMBLE
2] SAU.PADMABAI W/O SUBHASH KAMBLE
VERSUS
THE STATE OF MAHARASHTRA**

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**Advocate for Applicants : Shinde Dhananjay M.
APP for Respondent State: Smt.R.P.Gaur
Advocate Mr.PM.Gaikwad to assist to A.P.P**

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**CORAM : MANGESH S. PATIL, J.
DATE : 10.02.2021**

PC. :-

This is an application under Section 438 of the Cr.PC. by the parents in law of the deceased. Crime No.190/2020 is registered with Goregaon Police Station, Tq.Sengaoon, Dist.Hingoli when she committed suicide for the offences punishable under Sections 304(B), 498(A), 506 read with Section 34 of the I.P.C.

2] The learned advocate for the applicants would submit that going by the F.I.R., basically the allegations are only against the husband who has already been arrested and released on regular bail.

3] The learned advocate would further submit that as can be made out from the F.I.R. it is only for 2 months after the marriage on 24/5/2020, the newly weds and the applicants cohabited in a shared household. It further

reads that thereafter both the couples started residing separately. The applicants were residing in the farm house whereas the deceased with her husband was staying in the house in the village. He would submit that considering the fact that she has committed suicide on 8/11/2020, the role attributable to the applicants would only be in respect of the incidents that would have taken place within first two months of the marriage.

4] The learned advocate would submit that the averments in the F.I.R. are vague and omnibus. It is also not clear as to if whatever is being alleged against the applicants had taken place within 2 months of the marriage. It is not the case that the applicants are being charged for murder. Investigating Officer has had an opportunity to resort to the custodial interrogation of the husband. Custodial interrogation of the applicants is not necessary. They are ready to cooperate the Investigating Officer and the ad-interim relief granted to them may be confirmed.

5] The learned A.P.P. duly assisted by the learned advocate for the original informant who happens to be the mother of the deceased strongly opposes the application. She submits that it is a serious matter. The deceased has died barely within 6 months of her marriage. There is a presumption in favour of the prosecution. There was demand for dowry, even some role is attributed to the applicants in that regard. The F.I.R. may not be an encyclopedia. It would be a matter of investigation. There are statements of witnesses pointing out that the applicants were present in the field when the body was being fetched from the well. Their custodial interrogation is therefore necessary to reveal their role in subjecting the deceased to cruelty.

6] I have carefully gone through the papers.

7] It is being alleged that soon after the marriage there was a demand for money and the deceased was subjected to cruelty on that ground. Though the allegations in that respect are also attributable to the applicants those are vague and omnibus.

8] Pertinently, the F.I.R. itself mentions that after couple of months of the marriage the couple started residing separately, the applicants in the farm house and the deceased and her husband in the house in the village. If it be so, there needs to be some material to corroborate the bald allegations about the applicants having even subsequently demanded money and ill treated the deceased.

9] Be that as it may, the husband has already been arrested and granted regular bail by this Court. Going by the nature of the allegations and the quality of material available, even the applicants are entitled to anticipatory bail subject to usual terms and conditions.

10] The application is allowed. The ad-interim relief granted to the applicants stands confirmed with the same terms and conditions.

[MANGESH S. PATIL, J.]