

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

927 ANTICIPATORY BAIL APPLICATION NO.1417 OF 2021

WALHUBAI BALU JADHAV
VERSUS
THE STATE OF MAHARASHTRA

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Mr. V.R. Dhorde, Advocate for the applicant.
Mr. V.S. Badakh, A.P.P. for respondent - State.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 17-12-2021

ORDER :

1. The applicant is apprehending arrest in Crime No.242/2021 registered with Shivoor Police Station, District Aurangabad for the offences punishable under Sections 498-A, 304-B, 305 read with Section 34 of the Indian Penal Code.

2. The first informant is the mother of victim. Marriage of victim was performed with accused No. 1 on 24th February 2016. It is alleged that the victim was harassed by the accused. There was demand of balance amount of dowry in the sum of Rs. 10,000/-. The victim had informed about the ill-treatment to the complainant. On 6th October 2021, she committed suicide by jumping in the well.

3. On perusal of the First Information Report, it is apparent that the allegations are vague in nature. Primarily the grievance is

against the husband. The marriage was performed in 2016. There are two children out of the wedlock. The husband is arrested and charge-sheet has been filed against him.

4. Learned Advocate for the applicant submitted that the applicant is a lady, aged about 65 years. The overt act attributed to her is vague in nature. It is difficult to believe that the victim would commit suicide on account of demand of Rs. 10,000/-. The entire investigation is completed since the main accused is arrested and is continuous to be in custody. The applicant was granted interim protection by order dated 3rd December 2021 and she was directed to report the Investigating Officer on stipulated dates. The applicant has complied the directions and had appeared before the Investigating Officer.

5. Learned A.P.P. submitted that this is the case under Sections 306 and 304-B of the I.P.C. The victim was subjected to cruelty.

6. As stated above, husband of the victim is already in custody. The marriage was performed in 2016. There are two children out of the wedlock. The allegations are vague. Charge-sheet is filed against the husband. Hence, custodial interrogation of the applicant, who is aged about 65 years, is not warranted. Hence, the following order.

ORDER

- (i) ABA No.1417 of 2021 is allowed.

- (ii) In the event of arrest of the applicant in Crime No.242/2021 registered with Shivoor Police Station, District Aurangabad, the applicant be released on bail on executing P.R. bond in the sum of Rs.20,000/- with one or more sureties in the like amount.
- (iii) The applicant shall report the Investigating Officer as and when called for.
- (iv) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)

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