

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1712 OF 2021**

Akkatai Pralhad Dhaygude	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

...

Mr. Rati Sinhasane i/b Umesh Mankapure for the applicant.
Mrs.A.A. Takalkar, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 26th JULY 2021**

P.C:-

1 The applicant is the mother-in-law of the deceased of one Lata, now deceased. The complaint is lodged on 10th March 2021 with Sangola police station by the brother of the deceased, stating that his sister-in-law was married to his cousin brother Suresh in the year 1994. Suresh is alleged to have been working as a Mechanic with BEST at Mumbai and she was residing with him at Parel, Mumbai after the marriage. Two children are born out of the said wedlock and it is alleged that in the year 2017-18, his sister and daughter were sent to stay in the village. On inquiry by the complainant, it had surfaced that Suresh was having an affair with some lady and that was the cause of squabble between the two and also the reason behind the sending Lata and his daughter to the village house. When Suresh was

questioned on the said aspect, his response was that it was not affordable for him to maintain the family at Mumbai considering the high cost of living.

2 The allegation levelled in the complaint is to the effect that after the deceased started residing in the village, she was harassed by the applicant on trivial household reasons and even Swapnali – her daughter was subjected to mental harassment. The FIR gives a general omnibus version of the marital relationship and the allegations levelled against her husband Suresh. The complainant's sister was found dead on 10th March 2021 in the well near the house. The following letters were inscribed on the wall of the house by means of vermilion "I have preferred death for my child. I do not want to harm anyone. I am guilty and be absolved. My child be protected). The complainant alleged that the handwriting do not belong to the deceased. This incident resulted in registration of offence invoking Section 306, 498A of the IPC.

2 When the allegations levelled are perused, they are vague and general in nature. No specific role is attributed to the present applicant who is the mother-in-law and prior to 2017, the mother-in-law was residing in the village and the deceased was residing with her husband in Mumbai. The complainant has categorically referred to the possible reason of discord between the couple being the extra-marital relationship maintained by her

husband. Suresh who has been released on regular bail by the Sessions Court.

3 Since the nature of allegations levelled against the applicant do not *prima facie* attract the provisions of Section 306 of the IPC i.e. abetment to commit suicide which must point to a particular act which has prompted the deceased to commit suicide and the proximity of the said abetment to the actual incident, since the said ingredients are conspicuously absent. The applicant is entitled to protection, on his arrest, subject to the following condition :

ORDER

- a) In the event of her arrest, the Applicant – Akkatai Pralhad Dhaygude in connection with C.R.No. 266/21 registered with Sangola police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall make herself available as and when required by the Investigating Officer.

SMT. BHARATI DANGRE, J