

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2766 OF 2019

1. Sonabai Balu Pawar

2. Dipali Balu Pawar

.... Applicants

v/s.

The State of Maharashtra

.... Respondent

Mr. D.D. Rananaware for the Applicants.

Mr. Ajay Patil, APP for the State.

CORAM: SARANG V. KOTWAL, J.

DATED : 23rd SEPTEMBER, 2021.

P. C. :-

1. The Applicants are seeking Anticipatory Bail in connection with C.R.No.115/2019 dated 07/09/2019 registered at Aundh Police Station, Satara for offences punishable under Sections 498-A, 306 r/w. 34 of the Indian Penal Code.

2. Heard Mr. D.D. Rananaware, learned counsel for the Applicant and Mr. Ajay Patil, learned APP for the State.

3. The first information report (for short 'FIR') is lodged by the mother of the deceased. The deceased was married to the Applicant No.1's son – Suraj on 13/08/2019. The Applicant No.2 is Suraj's sister.

In the FIR, the mother of the deceased has stated that at the time of marriage, there were no talks of paying or receiving any articles, dowry or other amounts. After marriage, the deceased started residing with the Applicant's family at their village. On 16/08/2019, the deceased had gone to her parental house as per their custom. At that time, she complained that on one occasion, the Applicant No.2 poured cooked curry on her as she did not like it. The allegations are that the husband of the deceased had beaten her with kicks and blows on the ground that the clothes given to him at the time of marriage were not of good quality. After that the deceased again went to reside in her matrimonial home but she used to call her parents telephonically. It is alleged that she was not allowed to talk with them. The father-in-law of the deceased had abused her on one occasion because of the telephonic calls. It is alleged in the FIR that the Applicant No.1 was harassing the deceased on the ground that the deceased was not able to cook properly. It is mentioned in the FIR that on 05/09/2019, the deceased committed suicide by jumping in a well. Her dead body was found on the next day.

4. Mr. D.D. Rananaware, learned counsel for the Applicants submitted that the main allegations are directed against the father-in-

law and the husband of the deceased. There are hardly any specific allegations attracting section 498-A and 306 of the Indian Penal Code against the present Applicants. Their custodial interrogation would not serve any purpose. Learned APP relied on the submissions made in the FIR. I have considered these submissions.

5. There is only one incident alleged against the Applicant No.2 that she had poured curry on the deceased. The Applicant No.2 is a young girl. She was 19 years of age at the time of incident. Based only on these allegations; after two years, her custodial interrogation will not serve any purpose. The allegations against the Applicant No.1 are also vague. The allegation against her is that she was scolding the deceased because the deceased could not cook to the family's liking. It is doubtful that this by itself would amount to cruelty as contemplated under section 498-A and abetment to commit suicide as contemplated under section 107 of the Indian Penal Code. However, at this stage, it would not be appropriate to commit anything further on all these aspects. It is also important to take note of the fact that the Applicants were on interim protection for past two years. Therefore after this period, their custodial interrogation at this stage, is not really necessary for investigation purpose. Learned APP submitted that the charge sheet

in this case is already filed. Therefore in any case, investigation is over. The Applicants can be protected by an order of Anticipatory Bail. Hence, the following order :-

ORDER

(a) In the event of their arrest in connection with C.R.No.115/2019 dated 07/09/2019 registered at Aundh Police Station, Satara, the Applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand Only) with one or two sureties each in the like amount.

(b) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

(c) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)