

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

ANTICIPATORY BAIL APPLICATION No. 489 OF 2021

1. Neelam Vinayak Monde

2. Priyanka Krishna Jadhav

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Ms. Manjula Biswas, for the Applicants.

Mr. S. S. Pednekar, APP for Respondent-State.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 15th MARCH, 2021

PC :

. The applicants are apprehending arrest in C.R.No.919/2020 registered with Charkop Police Station, Kandivali, Mumbai for offence punishable under Sections 306, 498(A), 497, 323, 504 read with 34 of Indian Penal Code.

2. The First Information Report was lodged by the father of the deceased on 7th December 2020. According to complainant, the marriage of the deceased was solemnized on 14th April 2013. Thereafter, the deceased was residing at her matrimonial home at Mumbai. In November 2019, the deceased came to know that her

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husband is having extra marital affair. There was dispute between them. The deceased was abused and assaulted. The mother-in-law used to abuse the deceased. In November 2018, the complaint was lodged with Charkop Police Station. Thereafter, the dispute was resolved and the deceased had joined matrimonial home. Subsequently, the deceased had informed the complainant by telephonic call, that her husband is having extra marital affair and on questioning she was assaulted and abused. She also informed that her mother-in-law and sister-in-law Nilam, Priyanka and Nisha used to taunt her and caused mental torture. On 7th December 2020, the complainant received call that his daughter has committed suicide. She was admitted to hospital. She died.

3. The applicant had preferred an application for anticipatory bail in Sessions Court which has been rejected. While rejecting, the said application the learned Sessions Judge has observed that the prosecution had objected the bail application mainly on the ground that the deceased had lost her life and the applicants are pressurizing the informant and other witnesses to withdraw the F.I.R. The applicants are not entitled for protection of anticipatory bail.

4. Learned Counsel for the applicants submitted that the

applicants are married and residing separately. The allegations are after thought. The allegations are vague. There was no abatement to commit suicide. The question of pressurizing the witnesses does not arise as the applicants are residents of Mumbai and complainant resides at Raigad.

5. Learned APP submitted that the application was rejected by the learned Sessions Judge primarily on the ground, that the applicants are pressurizing the witnesses. The F.I.R. attributes role to the applicants.

6. On perusal of F.I.R., it can be seen that the marriage between the deceased and the brother of the applicants was performed in 2013. It is alleged that the husband of the deceased was having extra marital affairs. The allegations against the applicants are that they used to taunt and cause harassment. The applicants are married sister-in-law of deceased and they are residing separately.

7. Considering the factual aspects of this case, the applicants need not be subjected to custodial interrogation.

8. Hence, the following order.

ORDER

- (i) Anticipatory Bail Application No.489 of 2021, is allowed.
- (ii) In the event of arrest of the applicants in connection with C.R.No.919/2020 registered with Charkop Police Station, Kandivali, Mumbai, the applicants be released on bail on executing PR. bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall report investigating officer as and when called for till filing of the chargesheet;
- (iv) The applicants shall not tamper with the evidence;
- (v) Anticipatory Bail Application No.489 of 2021, stand disposed of accordingly.

(PRAKASH D. NAIK, J.)