

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

ANTICIPATORY BAIL APPLICATION NO.482 OF 2021

Mrs. Vimal Namdeo Kakde ... Applicant

Versus

State of Maharashtra ... Respondent

Mr. Rizwan Merchant, Advocate a/w. Ms. Gayatri Gokhale, Ms. Kajal Joshi, Ms. Zainta Abdi i/b. Mahesh Deshpande, for the Applicant.

Mr. S. H. Yadav, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 18th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 27 of 2021 registered with Kothrud Police Station, Pune on 30.1.2021 under Sections 306, 323 and 504 r/w. 34 of the Indian Penal Code.

2. Heard Shri Rizwan Merchant, learned counsel for the applicant and Shri S.H. Yadav, learned APP for the State.

3. The FIR is lodged by the father of the deceased. The deceased was married to the applicant's son Deepak.

There are allegations that, after marriage in the year 2011, the applicant who is mother in law of the deceased used to harass her. The couple had gone to Germany for a few years. Even there the applicant used to make phone calls to them and after every such phone call the husband of the deceased used to beat her, abuse her and used to cause harassment. After their stay in Germany, the couple came back to Pune and started residing initially at Kothrud. There are allegations in the F.I.R. that the husband of the deceased used to visit brothels and had many vices. The deceased was not happy with the situation and she was complaining to her father. There are allegations that the applicant used to call them frequently and thereafter the husband used to increase her harassment. It is alleged that in March, 2020 the deceased along with her husband Deepak and Aahana came to Amravati and went to Nanded. There again there was quarrel between Deepak and the deceased. There was some quarrel with the present Applicant also because the deceased had told the Applicant and her husband that Deepak used to visit brothels. After that

the deceased started residing with her aunt at Nanded. After a few days the deceased and Deepak came back to Amravati. They stayed there for three months. The parents of the deceased were aware of the friction between the deceased and her husband and, therefore, they did not send the deceased with her husband to Pune. He went alone to Pune. But Deepak made repeated phone calls and assured that he would improve his behaviour. Because of his continuous pleadings, the deceased came back to Pune. On 19.12.2020, they celebrated the deceased's daughter's birthday. That time, the Applicant and her husband had not come to Pune. On that day also the deceased was complaining to her parents about the behaviour of her husband. He was not keeping physical relations with her. In spite of such complaints, the deceased refused to go back to Amravati with her parents. The situation continued. On 29.1.2021, the deceased committed suicide by hanging herself and, therefore, this FIR is lodged.

4. Learned counsel for the applicant submitted that the applicant was residing separately at Nanded. The incident

had taken place in the matrimonial house of the deceased. There was no proximate cause or act attributable to the present applicant attracting sections 306 and 107 of IPC against her.

5. Learned A.P.P. produced the investigation papers before me. They contain the statements of some of the neighbours of the deceased at Pune. They have made similar general allegations against the present Applicant that the Applicant used to make phone calls to her son Deepak and then there used to be quarrels between the deceased and Deepak. The rest of the allegations about quarrels are about the past incidents and there was no proximate incident of any harassment caused by the present Applicant to the deceased.

6. The FIR itself shows that the Applicant was not in Pune when the daughter's birthday was celebrated on 19.12.2020. Even thereafter the Applicant had not gone to Pune. On the day of incident also she was in Nanded. There is nothing to show that because of the Applicant's acts during that period, the deceased was compelled to commit suicide.

On the contrary, all the allegations are directed specifically towards the husband of the deceased i.e. Applicant's son.

7. In this view of the matter, the Applicant's custodial interrogation is not necessary. The investigation can go on without her custodial interrogation. Therefore, she can be granted anticipatory bail. Hence, the following order :

ORDER

(i) In the event of her arrest in connection with C.R.No. 27 of 2021 registered with Kothrud Police Station, Pune, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) Anticipatory Bail Application stands disposed of accordingly.

Digitally
signed by
Pradeepkumar
P. Deshmane
Date:
2021.03.22
14:55:30
+0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)