

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

ANTICIPATORY BAIL APPLICATION NO. 498 OF 2021

Chandrabhaga Parashuram Devache Applicant

Versus

The State of Maharashtra Respondent

Mr. Vishal L. Kolekar for Applicant.
Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22nd FEBRUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 356 of 2020 registered with Otur Police Station, Pune Rural, on 30/08/2020, under sections 306, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').
2. Heard Shri. Vishal Kolekar, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is lodged by one Dinkar Sonawane. He has stated that, one Sachin

was his nephew. He was residing with the first informant. Sachin had lost his parents. On 10/08/2020, at about 4:30p.m Sachin had returned to their village from Otur. He had taken water from a container kept near a well by the present applicant, in which she had fetched some water. Sachin took that water without telling her and, therefore, she was annoyed. She questioned Sachin and then she went home. Sachin fetched water from the well and took it to the applicant's house and told her to have that water. On this count again there was a quarrel between the applicant and Sachin. One Shivram took Sachin back to Shivram's house. The applicant and her husband Parshuram went to Shivram's house and again abused Sachin. Applicant's husband threatened to commit his murder. Shivram pacified everybody and sent Sachin to his house. Since then Sachin was not found. The informant's cousin gave a complaint about his missing on 14/08/2020. On 26/08/2020 a highly decomposed body was found. The informant identified it as that of Sachin. It was found near their village. After performing final rights, this F.I.R. was lodged against the applicant. There are allegations that the applicant has committed the offence under

section 306 of the IPC. The investigation was carried out and the applicant's husband was arrested. He was subsequently released on bail. A charge-sheet is filed against him.

4. Learned counsel for the applicant submitted that, even taking the prosecution case at its highest, no offence under section 306 of IPC is made out. He submitted that the applicant had not threatened the deceased and there is no proximate cause of any such offence, as far as, present applicant is concerned.

5. Learned APP relied on the F.I.R. and other documents from the charge-sheet.

6. I have considered these submissions and I have perused the entire charge-sheet filed against the applicant's husband. The charge-sheet contains statements of other witnesses viz. Shivram and Mohan. They have narrated identical story as narrated by the first informant. The cause of death is not mentioned as the body was highly decomposed. However, considering all these statements, the prosecution case does not travel beyond the quarrel between the applicant and deceased Sachin. The issue was petty. It was about returning of small

quantity of water which Sachin had taken. Even if it is assumed that the applicant had abused the deceased, that will not indicate that she had an intention to instigate the deceased to commit suicide. Therefore, in the facts of the case, section 107 and 306 of IPC are not made out. In this view of the matter, custodial interrogation of the applicant is not necessary. She is a lady. She can be protected by an order of anticipatory bail in the background of allegations against her and the material collected in the entire charge-sheet is against her husband.

7. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No. 356 of 2020 registered with Otur Police Station, Pune Rural, 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)