

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

**CRIMINAL BAIL APPLICATION NO. 1011 OF 2021**

Nirmala Jayantilal Gada ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Sanjeev Kadam a/w Mr. Ravindra R. Chile, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

Mr. Kushal Mor a/w Mr. Marmik Shah and M. Gala i/b. Ms. Sheetal Mistry, Advocate for the Intervenor.

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**CORAM : PRAKASH D. NAIK, J.**

**DATE : 9<sup>th</sup> APRIL, 2021**

**PER COURT:**

1. The applicant is seeking bail in C.R.No. 351 of 2020 registered with Dindoshi Police Station, Mumbai on 3<sup>rd</sup> July, 2020 for offences under Sections 306, 304-B, 498-A, 406 read with Section 34 of Indian Penal Code (for short “IPC”). The First Information Report (for short “F.I.R.”) was lodged by the father of the victim.

2. The prosecution case is that, the F.I.R. is lodged on 3<sup>rd</sup> July, 2020 by Ishwarlal Anandji Gala in respect of suicide committed by his daughter Devanshi. Devanshi got married to Latesh Gada (Applicant’s son) in February, 2018. The F.I.R. alleges that at the time

of engagement and marriage, the first informant had spent considerable amount on the ornaments and other articles. The first informant had extended financial assistance to the married couple for going on a trip to a foreign country. The money was given after Latesh had demanded it through his wife Devanshi. After the couple came back from their trip, the other family members i.e. the Applicant who was mother-in-law of Devanshi, her father-in-law, her brother-in-law Hemal, his wife Vaishali and husband Latesh used to harass her. They were insisting Devanshi to bring money from the first informant. On one occasion, the first informant paid him Rs.1 Lakh. After Devanshi's first Diwali festival after marriage, the first informant gave expensive diamond set and other ornaments. Latesh was given diamond pendent. In spite of that, Devanshi was constantly harassed and abused. The Applicant used to make Devanshi work even when Devanshi was not well. Devanshi was constantly complaining to her parents. She was abused and assaulted. In July 2019, Devanshi was driven out of her matrimonial house. She had gone to the first informant's place. Latesh demanded Rs.3 Lakhs for taking her back. The first informant collected Rs.1,50,000/- and dropped her to the Applicant's house. Applicant and her husband insulted the first informant. On 1<sup>st</sup> July, 2020, at about 9:00 a.m., Latesh called the first informant and told him that Devanshi was

quarreling with the Applicant. He asked the first informant to tell Devanshi to behave properly. The first informant called her telephonically. At that time she informed him that her husband and mother-in-law i.e. the present Applicant were harassing her and abusing her. The first informant advised her to keep calm. At about 10:30 a.m., he was informed by Latesh that Devanshi had locked herself in the bed- room. Devanshi had committed suicide. On this basis, the F.I.R. is lodged.

3. The applicant preferred an application for anticipatory bail before the Sessions Court. The said application was rejected by order dated 20<sup>th</sup> February, 2021. The applicant then preferred application under Section 438 of Cr.P.C. before this Court. The said application was rejected by order dated 14<sup>th</sup> October, 2020. The applicant filed Special Leave Petition before the Hon'ble Supreme Court. The said Petition was dismissed by order dated 10<sup>th</sup> December, 2020.

4. The applicant had surrendered on 9<sup>th</sup> February, 2021. She was produced before the Court of Magistrate for remand. She was remanded to Police custody. Subsequently, she was remanded in Judicial custody.

5. The applicant preferred an application for bail before the

Sessions Court. The said application was rejected by order dated 20<sup>th</sup> February, 2021.

6. The son of the applicant Latesh Gada (husband of deceased) was arrested on 3<sup>rd</sup> July, 2020. He had preferred an application for bail before this Court. The said application was allowed by order dated 10<sup>th</sup> December, 2020.

7. Learned advocate for the applicant submitted that the applicant is the mother-in-law of the victim. She is in custody from 9<sup>th</sup> February, 2021. On completing investigation, charge-sheet is filed. Further custody of the applicant is not necessary. The applicant has been falsely implicated in this case. The allegations in the F.I.R. are concocted. The panchanama dated 5<sup>th</sup> July, 2020 refers to recovery of ornaments. The video recording used as evidence against the applicant shows that the applicant was avoiding the victim. There is no evidence of demand of dowry. Statement of Darshana Golecha dated 19<sup>th</sup> July, 2020 refers to conversation of the said witness with the victim. There is no allegation of demand of money. Statement of Neeta Gala dated 22<sup>nd</sup> July, 2020 refers to the interaction of the witness with the victim. She has referred to the nature of the dispute with the accused and harassment caused to her. It is submitted that the allegations reflected therein are in the domestic quarrels.

Statement of Smt. Sonali Kasture dated 15<sup>th</sup> February, 2021 mentions that she was working as maid servant in the house of the accused. She stated that the elder son and his wife of the applicant were residing in a separate flat and sometimes they used to visit the applicant's house. Younger daughter-in-law (victim) were not having much conversation with her. Most of the time she was in her bedroom. She never heard any quarrels between the applicant and the victim. It is submitted that, on account of lock-down, the servant was not available and as a result of that there was pressure of work. All the family members had contributed towards the household chores. The wife of applicant's son was pregnant and she had come to reside with the applicant. Thereafter, she left in April, 2020. Due to increase in domestic work there used to be minor quarrels. There was trivial issue which led to quarrel between applicant and the victim. The victim had recorded video with the help of her mobile phone. The victim started following the applicant everywhere and continued recording video and instigating the applicant to react. The son of the applicant was arrested and he has been granted bail. The applicant is a lady. It is not necessary to detain the applicant in custody for indefinite period.

8. Learned APP submitted that the serious allegations are made against the applicant. The victim was compelled to commit

suicide. There is evidence to show that the applicant has abetted the victim to commit suicide. The statement of witnesses corroborates the prosecution case. The video recorded by the victim shows the nature of harassment and assault by the accused. The victim was constantly abused, harassed and assaulted by the accused.

9. Learned advocate for the intervenor submitted that the victim was harassed and humiliated by the applicant. The husband of the victim did not support her. The applicant had instigated the deceased to commit suicide. The application for anticipatory bail preferred by the applicant was rejected by this Court with observations about the nature of evidence against the applicant. The Special Leave Petition was also dismissed by the Apex Court. The offence is of serious nature. The F.I.R. discloses the incident of harassment. It also refers to the demand of money. The victim was compelled to commit suicide.

10. The applicant is in custody from 9<sup>th</sup> February, 2021. Investigation is completed and charge-sheet is filed. It is true that the application for anticipatory bail was rejected by this Court and the order was confirmed by the Apex Court. However, thereafter, the applicant had surrendered. She was interrogated and on completing investigation, charge-sheet is filed. While rejecting the application for

anticipatory bail, this Court had observed that the custodial interrogation of the applicant would be necessary to find out nature of harassment and demand made with the victim and to know more about the events which took place prior to the incident of suicide. Thus, after the arrest of applicant, she was subjected to custody. Further custody of the applicant is not necessary. The applicant's son was arrested on 3<sup>rd</sup> July, 2020. He has been granted bail by this Court by order dated 10<sup>th</sup> December, 2020. While granting bail to the said accused, this Court had observed that the said accused had demanded money and harassed the deceased. However, he is in custody from 3<sup>rd</sup> July, 2020. Investigation is completed and the charge-sheet is filed. The statements of Darshana and Neeta supports the case of the said accused to some extent. The statements of Darshana and Neeta make no reference about demand of money, although they had regular conversation with the deceased. The mother-in-law of the victim was attributed role of filthy abuses. Considering the factual aspects and also taking note of the fact that the applicant is in custody from February, 2021 and on completing investigation, charge-sheet is filed, it is not necessary to further detain the applicant in custody. Hence, case for grant of bail is made out.

**ORDER**

- (i) Criminal Bail Application No. 1011 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No. 351 of 2020 registered at Dindoshi Police Station, Mumbai on executing PR. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant shall not tamper with the evidence.
- (iv) Application stands disposed of accordingly.

**(PRAKASH D. NAIK, J.)**