

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

ANTICIPATORY BAIL APPLICATION NO.1250 OF 2021

Chhaya Chandrakant Garud Applicant

versus

State of Maharashtra Respondent

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- Mr.Aniket Nikam i/b. Vivek N. Arote, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.
- Mr.Amol Jagtap, Advocate for complainant.

CORAM : SARANG V. KOTWAL, J.

DATE : 30th JUNE, 2021

(Through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.109/2021 registered with Sinhagad Police Station, Pune, on 01/03/2021 under sections 306, 498-A r/w 34 of the Indian Penal Code.

2. Heard Mr.Aniket Nikam, learned counsel for the Applicant, Ms.A.A. Takalkar, learned APP for the State and Mr.Amol Jagtap, learned counsel for the Complainant.

3. The FIR is lodged by one Sadhana Dilip Jadhav, who was mother of the deceased Neha Nikhil Garud. She has stated that Neha was married to Applicant's son Nikhil on 07/06/2011. They have a son aged 8 years. There are allegations in the FIR that in the year 2011 when Neha was pregnant, the Applicant's son had demanded money for purchasing a flat and for household expenses. He had kicked her, though she was pregnant. The informant pacified her and then sent her back to the informant's son. On 07/02/2012, Neha delivered a boy. There are allegations that the present Applicant had beaten Neha and had driven her out of the Applicant's house. The FIR mentions that the Applicant did not want Neha and her husband to stay with her and therefore she drove both of them out of her house. Therefore Neha and the Applicant's son were residing in a different flat. The FIR further mentions that Neha was facing difficulties in the other flat where she was residing with the Applicant's son and her own son i.e. Applicant's grandson. At the same time, there is clear statement in the FIR that the deceased

Neha used to leave her son with the present Applicant and then used to go to attend her job. The FIR thereafter goes on to mention that when she was again pregnant in the year 2021, she was forced to undergo medical termination of pregnancy. At that time, the informant was with her. On 27/02/2021, the deceased Neha committed suicide by hanging herself and therefore this FIR is lodged.

4. Learned counsel for the Applicant submitted that the entire allegations in the FIR are directed against the husband of the deceased. Admittedly, the Applicant was residing elsewhere and therefore there was no day to day interference by her in the life of the deceased and her family including Applicant's son. He submitted that considering the nature of allegations, the Applicant's custodial interrogation is not necessary at all.
5. Learned counsel for the Intervenor submitted that the medical termination of pregnancy, which the deceased had to undergo was because of the pressure exerted by the Applicant.

He further submitted that the investigation is still going on and therefore the Applicant should not be granted anticipatory bail. He submitted that the very act of driving the deceased and her husband i.e. Applicant's son out of her own flat, amounts to cruelty.

6. Learned APP produced investigation papers before me and in particular, showed me the statement of child witness, which is recorded during investigation.

7. I have considered these submissions. Reading of the statement of the child witness shows how sad this incident is. The deceased had hanged herself in front of this child witness. There cannot be a more traumatic experience than this for a child aged 9 years. Thus, the incident is very sad. However, his statement demonstrates that the deceased had committed suicide because of the quarrel between the Applicant's son and the deceased Neha. The allegations of child witness are not directed against the present Applicant. The cause of quarrel was

for purchase of new flat. The quarrel was between Neha and her husband.

8. The FIR itself mentions that the deceased was dependent on the Applicant for looking after her son. The deceased used to leave her son with the Applicant, who used to look after the child throughout the day and in the evening the child used to be taken home by the deceased or her husband. Thus, in short, the Applicant was helping Neha in her family life. If there were disputes between family members and the Applicant had asked them to make their own arrangements, the Applicant was well within her right to do so. That was not amounting to cruelty. In any case, the child witness's statement does not implicate the Applicant at all. The FIR also does not show that the Applicant was responsible for the ultimate step taken by the deceased. The allegations are general in nature. In this view of the matter, the Applicant's custodial interrogation is not justified. She can be protected by an order of anticipatory bail.

9. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.109/2021 registered with Sinhagad 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)