IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1541 OF 2021

1. Shantibai Sudamprasad Sharma
2. Chetna Pradeep Sharma @ Gudiya
3. Padma Dilipkumar Sharma @ Priti
4. Pradeepkumar Sudamprasad Sharma
5. Dilip Sudamprasad Sharma .... Applicants

Versus

The State of Maharashtra .... Respondent

Mr. Nilesh Warule, for the applicant.
Mr. A.A. Palkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 7th JULY, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 47 of 2021 registered at Vitthalwadi Police Station, Thane , under sections 498A, 304B, 306, 507 read with Section 34 of the Indian Penal Code.

2. Heard Mr. Nilesh Warule, learned counsel for

the applicant and Mr. A.A. Palkar, learned APP for the State.

3. Prosecution case is in respect of commission of suicide by one Madhuri. She was married to Ajay Sharma on 16/05/2019. The applicant No. 1 is Ajay's mother. The applicant Nos. 4 and 5 are his brothers and the applicant Nos. 2 and 3 are wives of the applicant Nos. 4 and 5 respectively. The FIR is lodged by father of the deceased. He has stated that in July 2019, the deceased had called him telephonically and had told him that Ajay was having extra martial relations with another girl. He was addicted to liquor and therefore she was feeling frustrated. She had told the informant that Ajay was demanding Rs. 1 lakhs to severe his relations with that another girl. It is alleged that Ajay was demanding balance amount from Rs. 10 lakhs which allegedly the informant had promised to give during the marriage. There is general allegation that all the applicants were also harassing the informant on that ground. It is mentioned in the FIR that once the

deceased had called Ajay telephonically. The call was answered by that girl and there was quarrel between them. Ultimately on 12/01/2020 the deceased consumed poison. The informant told the Applicant Dilip to look after her. Dilip in turn told him that he would inform Ajay to look after her. The deceased was shifted to hospital. The informant went and met the deceased. She told the informant that she was under pressure because of Ajay and that girl's relationship. She also alleged that Ajay and his family members were asking her to bring money from the informant and therefore, she had consumed poison. On 18/01/2020 she died and then this FIR is lodged.

4. Learned Counsel for the applicant submitted that, in the FIR, the allegations are directed towards Ajay and that other girl. There are no serious allegations against the present applicants warranting their custodial interrogation. Husband of the deceased and that girl are released on bail.

5. Learned APP relied on averments in the FIR to oppose this application. He also invited my attention to the dying declaration given by the deceased and it is recorded by PI of Bhoiwada Police Station.

6. I have considered these submissions. The deceased has given her statement which is recorded by PSI. In that statement she has stated that on 12/01/2020, she had called her husband telephonically but since he did not return till evening, she got angry and consumed position. She had not made any grievance against the applicants. Even otherwise, the narration in the FIR shows that the deceased was frustrated because of love affair between her husband and that girl. Apart from that there are only general allegations that the applicants were harassing her by demanding money. However, taking into consideration the dying declaration of the deceased, applicants' custodial interrogation is not necessary. They can be protected by an order of

anticipatory bail.

7. Hence, the following order :

O R D E R

(i) In the event of their arrest in connection with C.R. No. 47 of 2020 registered with Vitthalwadi Police Station, Thane, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.

(ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)