

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

ANTICIPATORY BAIL APPLICATION NO. 1539 OF 2021

1. Nitesh Balkrishna Manjalkar
2. Sunita Balkrishna Manjalkar Applicants

Versus

The State of Maharashtra Respondent

Mr. Niranjan Mundargi i/b. Anushka A. Shreshtha for Applicants.
Mr. S. S. Pednekar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 07th JULY, 2021
(Through Video Conferencing)

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 436 of 2021 registered at Bhandup Police Station, under sections 304-B and 306 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Niranjan Mundargi, learned counsel for the applicants and Shri. Swapnil Pednekar, learned APP for the State.

3. After hearing the arguments I expressed my disinclination to grant relief to the applicant No.1. Therefore, learned counsel for the applicant No.1 prayed for unconditional withdrawal of the application, so far as, applicant No.1 is concerned. Permission is granted. The application of applicant No.1 is allowed to be withdrawn unconditionally and is disposed of as such.

4. I have considered this application for grant or refusal of relief to the applicant No.2, who is mother in law of deceased Anjali. The First Information Report (for short 'F.I.R.') is lodged by Anjali's father Shyam Matal on 09/06/2021. He has stated that, Anjali got married to the applicant No.1 on 15/02/2021. There are allegations that, there was demand of Rs.50,000/- from her. As the application of applicant No.1 is withdrawn, I am not making any comments, as far as, other allegations against him are concerned. In the F.I.R., there are general allegations that, both applicants and applicant No.2's other son Jayesh were harassing her for that. The only allegation against the present applicant No.2 in the F.I.R. is that the applicant No.2 was asking her to store water for their

house even when the deceased was busy in working from home in respect of her office work. There are allegations that the applicant No.2 used to pass remarks about her cooking. On 08/06/2021, the deceased committed suicide by hanging herself. On this basis the F.I.R. is lodged.

5. Learned counsel for the applicant relied on certain conversation on WhatsApp between the informant and deceased. He submitted that, there are hardly any allegations against the applicant No.2. He submitted that the deceased had admitted that the applicant No.2 was doing all the household work.

6. Learned APP opposed this application. He submitted that the deceased was harassed to such an extent that she had to commit suicide.

7. I have considered these submissions. I have also perused the investigation papers. I have perused the suicide note in which she has not blamed anybody, but it only shows her frustration. The investigation papers contain statements of other witnesses including that of the Mediator. Basically, all these statements are in consonance with the allegations made in the

F.I.R. The allegation against the present applicant No.2 was that, she was asking the deceased to fill water for their house, though, deceased was working from home. Apart from that, there are no serious allegations. Ofcourse, there are general allegations in respect of demand of Rs.50,000/-, but those allegations are primarily made against the other applicant. The WhatsApp chats produced on record by Shri. Mundargi also mention that, deceased was telling her father that the applicant No.2 was doing household work throughout the day. During that period, applicant No.2's husband was in hospital, therefore, applicant No.2 had to work extra hard as she had to visit the hospital, cook food and do other work. In this view of the matter, applicant No.2's case can be considered sympathetically. It basically appears to be trouble between the deceased and her husband. In this view of the matter, applicant No.2 can be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) Application for applicant No.1 is dismissed as withdrawn.

- (ii) It is made clear that, if the applicant No.1 surrender before the police and prefers an application for bail before the trial court, it shall be decided on its own merits in accordance with law without being influenced by withdrawal of this bail application.
- (iii) In the event of arrest of applicant No.2 Sunita Manjalkar in connection with C.R.No. 436 of 2021 registered at Bhandup Police Station, the applicant No.2 is directed to be released on bail on her furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)