

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1685 OF 2021

1. Mangla Manik Kamble
2. Shantabi @ Manisha Ramesh Bhalerao,
3. Jyoti Jagdish Kamble and
4. Jagdish Tulashiram Kamble .. Applicants

Vs.

The State of Maharashtra .. Respondent

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Ms. Sana Khan i/b Hulyalkar & Associates for the Applicants.

Ms. Rutuja Ambekar, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 18TH AUGUST, 2021.

P.C:-

1. The Applicants before this court are the mother-in-law, sister of the mother-in-law, sister-in-law and her husband, who are apprehending their arrest in C.R. No.188 of 2021 registered with Sanghvi Police Station, Pune, invoking Sections 306, 498(A), 323 and Section 34 of the IPC.

2. The deceased is one Shruti, the daughter of the informant, who was married to the son of Applicant No.1 on 01/04/2017. After the marriage, the deceased was staying with her husband Pratik, father-in-law, mother-in-law at Pimple Gurav, Pune. The two sisters-in-law Jyoti and Kirti were already married and residing in their respective matrimonial houses.

3. On 29/05/2021, the father of the deceased approached the Police Station complaining that his daughter hanged herself on 28/05/2021 in her matrimonial house.

4. The complaint refers to the performance of the marriage of his daughter with Pratik on 01/04/2017 and it also reports that on 01/08/2020, the father-in-law of Shruti died on account of Covid-19 and, thereafter, the discord arose in the house on account of money and this was informed to him by his daughter, on phone. In January, 2021, his daughter disclosed to him that her husband Pratik is carrying on an extra marital affair with a woman and this was the reason of the tiff between the husband and the wife. Attempts were made by the informant to reconcile the differences between them and Pratik had apologized to her and assured the informant that he will take good care of her. On 22/05/2021, Shruti made a phone call to the informant informing that since morning Pratik was arguing with her and he also assaulted her by hand and she requested that the informant should either come or talk to him. Thereupon, the informant

spoke to her husband, when he expressed that he will kill his daughter and, for that act, if he is sentenced, he is ready to suffer the consequences. After this phone call, the informant started to proceed towards Shruti's house, but he received a phone call informing that the dispute between the two is over and he need not come. On 28/05/2021, he again received a phone call informing that her family members have proceeded for a marriage, but she was not asked to accompany. She requested him to come to her house and, while en-route, he received the information that she committed suicide. A suicide note was also recovered. The informant has stated that the the suicide note is not in the handwriting of her daughter. This prompted the police to invoke Sections 306, 498(A), and 323 read with Section 34 of the IPC.

5. Perusal of the complaint clearly reveals that the allegations levelled are against the husband and the incident does not implicate the present Applicants as the persons, who ill-treated her. The incident of 22/05/2021, which has been narrated by the deceased to her father, which is reported to the police station, does not in any way implicate the Applicants. The allegations are vague and omnibus in nature and except the statement that they also participated in the above incidents along with her husband, there is no specific averment pointing out the harassment meted out to the deceased at the instance of the present Applicants. These vague allegations do not warrant any

custodial interrogation and, particularly, when Section 306 of the IPC is invoked in the current C.R., which necessarily would require an instigation or incitement for taking the extreme step by the deceased. In the absence of any such material against the Applicants, the case under Section 306 of the IPC *qua* the present Applicants are not made out. The Applicants are, therefore, entitled for protection. Hence, the following order:

: ORDER :

- (a) In the event of arrest, the Applicants – (1) Mangla Manik Kamble, (2) Shantabi @ Manisha Ramesh Bhalerao, (3) Jyoti Jagdish Kamble and (4) Jagdish Tulashiram Kamble, shall be released on bail in C.R. No.188 of 2021 registered with Sanghvi Police Station, District Pune, on executing P.R. bond to the extent of Rs.20,000/- each and furnishing one or two sureties of the like amount.
- (b) The Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

(c) The Applicants shall report to the Sanghvi Police Station, Dist. Pune, on every Monday and Thursday between 10.00 a.m. and 1.00 p.m. for three weeks and, thereafter, as and when called for by the Investigating Officer.

6. The Application is allowed in the aforesaid terms.

7. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]