

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

ANTICIPATORY BAIL APPLICATION NO. 2044 OF 2021

1. Nandu Martand Jadhav
2. Vaishali Eknath Bhalerao
3. Eknath Baban Bhalerao Applicants

Versus

The State of Maharashtra Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2091 OF 2021**

Dhananjay Nandu Jadhav Applicant
Versus
The State of Maharashtra Respondent

Mr. Milind Deshmukh for Applicants in both ABAs.
Mr. Ajay Patil, APP for State/Respondent.
Mr. Abhishek R. Avachat for Intervenor in both ABAs.

**CORAM : SARANG V. KOTWAL, J.
DATE : 30th SEPTEMBER, 2021**

P.C. :

1. Both these applications are decided by this common order today because they arise out of the same investigation and the same registered offence.

2. The Applicants are seeking anticipatory bail in connection with C.R.No. 397 of 2021 registered at Chikhli Police Station, Pimpri-Chinchwad, on 11/08/2021, under sections 304, 306, 323, 498A, 504 and 506(1) r/w. 34 of the Indian Penal Code (for short 'IPC'). The applicant in A.B.A.No.2091 of 2021 is husband of the deceased Deepali. As far as, A.B.A.No.2044 of 2021 is concerned, the Applicant No.1 is father in law of the deceased, Applicant No.2 is sister in law of the deceased and applicant No.3 is husband of the Applicant No.2.

3. Heard Shri. Milind Deshmukh, learned counsel for the applicants in both applications, Shri. Ajay Patil, learned APP for the State and Shri. Abhishek Avachat for the Intervenor.

4. The First Information Report (for short 'F.I.R.') is lodged on 11/08/2021 by Balasaheb Yadav – father of the deceased Deepali. He has stated that, Deepali got married with the applicant Dhananjay on 07/06/2020 at Nigdi, Pune. On 31/05/2020, the mediator and the applicant Dhananjay had gone to the informant's house for fixing the date of marriage. At that time, the applicant Dhananjay was not happy because he was

expecting special treatment than was given to him. At that time, Deepali had decided not to marry applicant Dhananjay. However, subsequently, the applicant Nandu Jadhav and others came to the informant's house and told him that the marriage should be performed and the applicant Dhananjay had changed his mind. He was also willing to get married. The marriage was performed on 07/06/2020. After that, Deepali went to reside with her in laws. It is alleged that, she was not sent to her parental house as per the custom. It is alleged that, all the applicants decided never to send her to her parental house and not to allow her to contact her parents. On 03/08/2020, Deepali had gone to her parental house. She had complained that, all the applicants were harassing her because they were unhappy with the less articles given during wedding. The informant discussed this with the applicant Dhananjay. At that time, Dhananjay told him that his family is enjoying higher status than the informant's family, therefore, the informant should have spent more in the wedding. He further told the informant that, the informant should take back Deepali with him and should never send her back to her matrimonial house.

However, the informant, somehow pacified him. Deepali continued residing with the applicants.

5. On 16/09/2020, she suddenly came back to her parental house. She told the first informant that the applicant Dhananjay had thrown her out of his house on the ground that she was not looking after his parents and that, he wanted to marry someone else. At that time, Deepali had even given a complaint to the police about that. On that occasion also the informant had pacified her and had sent her back to her matrimonial house. On 08/07/2021, Dhananjay told the informant telephonically that, Deepali was admitted to hospital. The informant went there. Deepali was discharged on 23/07/2021. However, he did not give any further information.

6. On 01/08/2021, again she suffered health issues. She started vomiting and was feeling giddiness. At that time, Deepali was staying with the informant, therefore, her husband Dhananjay was informed. When she was being taken to hospital, she was saying that she did not want to live because her husband Dhananjay wanted to marry someone else and that she had

consumed 20 tablets of Dolo 650mg. She was taken to hospital and she died in the night. On this basis the F.I.R. is lodged.

7. Learned counsel for the applicants submitted that, there are no allegations against the other applicants except Dhananjay and those allegations are also vague. The harassment was not to the extent which compelled her to commit suicide, therefore, this offence is not attracted. There was no demand on the part of applicant Dhananjay.

8. Learned APP opposed this application. In particular, he produced a final cause of death certificate before me. It reads thus: "Postmortem findings are consisting with that of death due to poison".

9. I have considered these submissions and also considered the cause of death. It is without doubt that the deceased had died due to poisoning. Therefore, at this stage, it is clear that, section 306 of IPC is properly applied. As far as, role of each of the applicants is concerned, as rightly submitted by Mr. Deshmukh that, there are hardly any allegations against the applicants Nandu Jadhav, Vaishali Bhalerao and Eknath Bhalerao.

There are vague and general allegations against them. But against the applicant Dhananjay there are specific allegations. Also, there is a previous N.C. lodged by the deceased herself, wherein, she alleged that the applicant Dhananjay was harassing her as he wanted to marry second time. He used to abuse and beat her. She was driven out of her matrimonial house. Ultimately, she has committed suicide. Therefore, at this stage, there is sufficient material to show nexus between the applicant Dhananjay's role and commission of suicide. In this view of the matter, the other applicants except the applicant Dhananjay can be granted anticipatory bail. But, the application of Dhananjay will have to be rejected.

10. Hence, the following order :

ORDER IN A.B.A. NO. 2091 OF 2021

- (i) Application is rejected.

ORDER IN A.B.A. NO. 2044 OF 2021

- (i) In the event of their arrest in connection with C.R.No. 397 of 2021 registered at Chikhli Police Station, Pimpri-Chinchwad, the applicants are

directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.

(ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)