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

ANTICIPATORY BAIL APPLICATION NO. 2097 OF 2021

Nanda Dashrath Maral & Ors.

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Mr.Nitesh Mohite i/b. Mr. Sachin T. Zalte for the Applicants.
Mrs. PPShinde, APP for the Respondent -State.

.....

CORAM: V.G.BISHT, J.

DATE: 25th OCTOBER, 2021

PC:-

1. The present Application has been moved by the Applicants under Section 438 of the Code of Criminal Procedure apprehending arrest under Sections 306, 498A, 323, 504, 506 read with 34 of the Indian Penal Code (the IPC) registered vide Crime No. 427 of 2021 with Rajgad Police Station, Pune (Rural).

2. It is the case of the prosecution that informant's daughter, namely, Pragati (since deceased) was married to Amol Dashrath Maral on 30th December, 2018. Applicant No. 1 is mother-in-law, Applicant No.2 is grandfather-in-law and Applicant No.3 is sister-in-law of the deceased.

3. The prosecution alleges that the present Applicants and other accused subjected the deceased to mental and physical harassment and compelled her to commit suicide.

4. The learned Counsel for the Applicants submits that having regard to the nature of allegations, there is no necessity of custodial interrogation and, therefore, the present Application deserves to be allowed.

5. Learned APP, on the other hand, opposed the submission by contending that there are serious allegations of cruelty and abetment of suicide. The investigation is in progress. Therefore, there being no merit in the Application, the same is liable to be rejected.

6. I have carefully gone through the FIR. The major allegation against the Applicants and others are that of cruelty as contemplated under Section 498A of the IPC. However, as far as the ingredients of Section 306 are concerned, *prima facie*, on reading of FIR, it appears that the ingredients are not well established. Even otherwise, if the prosecution case is read as a whole, in my considered opinion, there is no necessity of custodial interrogation.

7. For the aforesaid reasons, I am inclined to allow the Application with following order :

ORDER

- i) The Application is allowed ;
- ii) The ad-interim protection granted by this Court on 07/09/2021 is confirmed and made absolute;
- iii) The Application stands disposed of accordingly.

(V.G.BISHT, J.)