

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

ANTICIPATORY BAIL APPLICATION NO.2241 OF 2021

Nirmala Namdev Patil

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.Kuldeep Patil i/b. Mr.Saili N. Dhuru, Advocate for Applicant.
- Smt. Veera Shinde, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 20th SEPTEMBER, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.91/19 dated 25/08/2019 registered with Wadkhal Police Station, under sections 302, 498-A r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Macchindranath Krushna Patil. He has stated that his deceased daughter had got married with the Applicant's son on 22/04/2019. After about one month of the marriage, the deceased had gone to the informant's

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house. At that time, she was making a grievance that the Applicant was not allowing the couple to spend enough time together. In June 2019 again the deceased had visited the informant's house. At that time, she had specifically made allegations against her husband i.e. the Applicant's son and had narrated about some instances when he had forced her inside the swimming pool and on other occasion he had abused and had beaten her under influence of liquor. She also made a grievance that on holidays he used to spend time alone at his village Gadab and the deceased was left to reside with the Applicant and the Applicant's husband at Pen. Again in August 2019 when she had visited the informant's house, she made allegations against the Applicant's son and had alleged that on one occasion he had tried to throttle her and on one occasion he had deliberately pushed her. There were general allegations against the Applicant that she had also started abusing and beating the deceased. On 15/08/2019 the informant had visited the Applicant's house. At that time again the deceased had made grievance against her husband Nilesh. At that time, there were

no allegations made by her against the Applicant. On 18/08/2019, dead body of the deceased was found floating in the well. She was declared dead. The post-mortem notes mentions the cause of death as 'due to drowning'. Initially accidental death report was lodged. But on 25/08/2019 the informant lodged his FIR u/s 302, 498-A r/w 34 of IPC.

3. Heard Mr.Kuldeep Patil, learned counsel for the Applicant and Smt. Veera Shinde, learned APP for the State.
4. Learned counsel for the Applicant submitted that for more than two years the police did not have any case against any of the accused. Even the husband of the deceased was not made an accused. He submitted that there are no allegations against the present Applicant. Now the husband of the deceased is already arrested and there are allegations of commission of murder against him. There are no eyewitnesses to the incident. Therefore the Applicant's custody is not justified.

5. Learned APP opposed this application. She submitted that the well where the dead body was found, was used by the Applicant's family. There are allegations in the FIR as well as in the statements of sister, mother and cousin of the deceased. Similar allegations are made in the FIR. Learned APP however on instructions could not explain as to why for about two years, none of the accused were either arrested or were shown as accused during the investigation.

6. The allegations in the FIR and in the statements of the witness as far as present Applicant is concerned, are restricted. Except for allegations that on some occasion, the Applicant used to abuse and beat her, there are no allegations against her. All the serious allegations are directed towards the husband. As far as the main offence u/s 302 of IPC is concerned, there is no material against the present Applicant, inspite of the investigation, which was going on for about two years. In this view of the matter, after two years of the incident on these weak allegations, the Applicant's custody is not necessary. She can be

directed to attend the police station and can be directed to cooperate with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.91/19 registered with Wadkhal Police Station, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)