

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

ANTICIPATORY BAIL APPLICATION NO. 2335 OF 2021

1. Parubai Appa Gavali
2. Kirti Sanjay Gavali
3. Uma Raju Gavali

.... Applicants

Versus

The State of Maharashtra

.... Respondent

Mr. Satyam H. Nimbalkar for Applicants.

Mr. Y. M. Nakhwa, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 29th SEPTEMBER, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 69 of 2021 registered at Lonavala city Police Station, Pune, under sections 306 and 498A r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Satyam Nimbalkar, learned counsel for the applicants and Shri. Nakhwa, learned APP for the State.

3. After arguing for some time when I expressed my

disinclination to grant relief to the Applicant No.2, learned counsel for the applicants, on instructions, prayed for unconditional withdrawal of this application, so far as applicant No.2 is concerned. Permission is granted. The application for applicant No.2 is allowed to be withdrawn unconditionally. I have considered this application for the applicant Nos.1 and 3 only.

4. The First Information Report (for short 'F.I.R.') is lodged by one Manoj Aurange in respect of suicide committed by his sister Pooja. Pooja had got married with the applicant No.2's son Dhananjay on 07/05/2018. After their marriage, Pooja started residing with the joint family of the applicants which consists of Pooja's father in law Sanjay Gavali and his brother Raju Gavali's families. There were 8 to 9 family members. There are allegations that, all the applicants used to cause mental and physical harassment to Pooja. They used to say that, they were not treated properly by her parents at the time of wedding. Pooja used to complain about this to her cousin Gouri. It is specifically mentioned in the F.I.R. that, her husband was not giving her any trouble. In the year 2020, the couple was blessed with son. At the

time of incident, he was one year old. Even after birth of the child, her harassment continued at the hands of applicants and others.

5. On 03/07/2021, there was first birthday of Pooja's son. At that time, her parents and the informant had visited the applicants' house at Lonavala. Even at that time, she had made her grievance about the applicants and others to the informant and others. On 08/07/2021, Pooja committed suicide by hanging herself in her bedroom.

6. Learned counsel for the applicants submitted that, there are no specific instances of cruelty or harassment against any of the applicants. There are general allegations and the offence would not attract provisions of section 306 of IPC.

7. Learned APP opposed this application. He produced investigation papers before me.

8. I have considered these submissions and perused the investigation papers. There are statements of various witnesses recorded during the course of investigation. Arun Aurange was Pooja's father, Karishma Hiranwale was her friend, Savita Aurange was her mother, Ankush Aurange was her brother and Suresh

Aurange was cousin of Pooja's father. All these statements referred to the harassment caused to the deceased, particularly, by the applicant No.2. Since the applicant No.2's application is not pressed, I am not making any further comments about these allegations. So far as, other two applicants are concerned, there are allegations against the applicant No.1, but they are of less severity than those made against the applicant No.2. Considering her age of 74 years, her custodial interrogation is not necessary. So far as, applicant No.3 is concerned, there is only one minor incident mentioned against her without further details. Otherwise, there are only general allegations against her. Therefore, even she can be protected by an order of anticipatory bail.

9. Hence, the following order :

ORDER

- (i) Application in respect of Applicant No.2 is disposed of as withdrawn.
- (ii) In the event of arrest of applicant Nos.1 and 3 in connection with C.R.No. 69 of 2021 registered at Lonavala city Police Station, Pune, 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.

(iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)