

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1969 OF 2019**

Savita Amrutlal Mishra

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Harekrishna Mishra i/b. Mr.Sanjay Singh for Applicant.

Mrs.M.H. Mhatre, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.**DATE : 7th August 2021.****PC. :**

1. Heard Mr.Mishra, learned counsel for the Applicant and Mrs.Mhatre, learned A.P.P. for the Respondent-State. Perused record.

2. By an Order dated 9th September 2019 the Applicant was granted interim relief and was directed to attend the Investigating Officer on stipulated dates, to join the process of investigation.

3. The First Information Report is lodged by Shri Vivek H. Dubey, the brother of Smt. Nisha Pavankumar Mishra (deceased). It is the prosecution case that, the marriage between Pavankumar Mishra and Smt. Nisha Mishra was performed on 18th April 2012 and thereafter she started cohabiting with her husband and Applicant. The Applicant is mother-in-law of deceased Smt. Nisha Mishra. The Applicant and Pavankumar Mishra used to harass Smt.

Nisha Mishra on trifle grounds and used to pass sarcastic comments against her. It is alleged that, Pavankumar Mishra used to beat Smt. Nisha Mishra. The said fact was informed by Smt. Nisha Mishra to her brother i.e. informant. It is further alleged that, the Applicant and Pavankumar Mishra used to abuse Smt. Nisha Mishra on the ground that, she was unable to cook the food properly. On an earlier occasion, in the presence of neighbours and other family members, the Applicant and Pavankumar Mishra had tendered apology and had assured to the brother and other family members of Smt. Nisha Mishra that, such instances would not occur in future. That on 8th July 2019 Smt. Nisha Mishra informed the fact of continuous harassment and torture by the Applicant and her husband Pavankumar Mishra to the informant on mobile phone. Smt. Nisha Mishra committed suicide by hanging on 9th July 2019 at her matrimonial house. In this brief premise, the present crime is registered.

4. Perusal of First Information Report indicates that, the allegations of assault and other major allegations are against the husband of Ms. Nisha Mishra i.e. Pavankumar Mishra (co-accused). Except a passing reference that, the Applicant along with Pavankumar Mishra assaulted Smt. Nisha Mishra on the ground that, she could not cook food properly, all the allegations against the Applicant are general in nature. The Applicant is a woman aged about 60 years.

5. Learned A.P.P submitted that, in pursuance of Order dated 9th September 2019, the Applicant has attended the Investigating Officer on stipulated dates and has co-operated with the investigation.

6. Mr. Mishra, learned counsel for the Applicant, on instructions, submitted that, the son of Applicant namely Pavankumar Mishra was arrested by the Police in the present crime on 11th July 2019 and has been released on bail on 18th September 2019. He on instructions further submitted that, the Police have completed investigation of the present crime and have submitted Chargesheet against the co-accused Pavankumar Mishra in the month of September 2019 itself.

7. After taking into consideration the aforestated facts, this Court is of the view that, the custodial interrogation of the Applicant for further investigation of the present crime is not necessary and she can be protected by pre-arrest bail.

8. In view thereof, interim relief granted by Order dated 9th September 2019 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

9. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]