

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

ANTICIPATORY BAIL APPLICATION NO.2147 OF 2019

Dadaso @ Dadasaheb Dnyanu Mulik Applicant

versus

State of Maharashtra Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2116 OF 2019**

Anil Dnyanu Mulik Applicant

versus

State of Maharashtra Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2737 OF 2019**

Ranjana Duryodhan Pawar Applicant

versus

State of Maharashtra Respondent

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- Mr.Satyavrat Joshi, Advocate for Applicant in ABAs.
- Mrs.J.S. Lohokare, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12th JANUARY 2021**

P.C. :

1. All these applications are decided by this common order because they arise out of the same investigation.
2. The Applicants are seeking anticipatory bail in connection with C.R.No.193/2019 registered with Atpadi Police Station, Sangli, under sections 498-A, 306, 323, 504 r/w 34 of the Indian Penal Code. Subsequently, section 302 of IPC was added.
3. The prosecution case is about murder of one Vidya. She was married to one of the accused Saitsh Pawar. The Applicants Anil Mulik and Dadaso @ Dadasaheb Mulik are his maternal uncles. Applicant Ranjana is his mother.
4. The FIR is lodged by father Narayan Vishnu Jadhav, of the deceased Vidya. He has stated in his FIR that Vidya got married to accused Satish on 11/05/2011. Satish was having illicit relations with another lady and therefore there used to be

frequent quarrels between Vidya and him. On every occasion when Vidya went to her parents' house, she used to tell about her quarrels with her husband. Therefore she started residing with her parents. Her husband Satish and Applicants Anil and Dadaso went to the informant's place. They pacified Vidya and took her back.

5. It is alleged that, in April 2019, Vidya delivered a baby boy and thereafter her in laws started suspecting her character. On 09/08/2019 Vidya's parents had gone to Satish's house. At that time all the family members including all these Applicants had threatened them. On 12/08/2019 Vidya had called her father. She was saying that her in-laws, husband and all these Applicants were harassing her. On 14/08/2019 Vidya was found dead in a well. Thereafter this FIR is lodged.

6. Heard Mr.Satyavrat Joshi, learned counsel for the Applicant and Mrs.J.S. Lohokare, learned APP for the State.

7. All these Applicants were protected by interim orders during pendency of these applications. In the meantime, chargesheet is filed. In the chargesheet, the only sections applied against the Applicant Anil and Dadaso are 498-A, 504 and 34 of IPC. However, against the Applicant Ranjana sections applied are 302, 201, 498-A, 323, 504 r/w 34 of the IPC.
8. Learned counsel for the Applicant submitted that the allegations against the present Applicants Anil and Dadaso are very vague. There are general allegations that all the in-laws including the present Applicants were suspecting her character after she delivered a baby boy. The main grievance against these two Applicants i.e. Anil and Dadaso appears to be that they were instrumental in bringing Vidya back to her matrimonial house. Apart from that there is hardly anything against them. He submitted that as far as Applicant Ranjana is concerned, even against her there is no evidence. Husband and father-in-law of Vidya are already arrested and are in custody. The entire chargesheet does not point to any incriminating circumstance

against the Applicant Ranjana. There are only general allegations of harassing the deceased. Therefore she should not be arrested. He submitted that initially even FIR was lodged for commission of offence punishable u/s 306. Even Vidya's father was treating this case as suicide and therefore section 302 is also wrongly applied. He submitted that post-mortem notes show that the, 'Death was due to asphyxia due to drowning'. He submitted that it was not a case of murder and there is no injury on the dead body except a prick mark on the eyelid. He submitted that the Applicant Ranjana is not keeping well and on the health ground also she deserves protection of anticipatory bail.

9. Learned APP opposed this application. She submitted that there are categorical allegations against all the Applicants. Even the Applicants Anil and Dadaso were suspecting her character and therefore they were hand in glove with the other accused. As far as the Applicant Ranjana is concerned, she emphasized the fact that when Vidya's relatives had come to

their house, after her death, the Applicant Ranjana was in the house and she had told them that the family members had gone to a bank. This statement was false. She was aware about the offence. She was trying to cover up the incident. She therefore opposed this application.

10. Reasons -:

With assistance of the both the learned counsel, I have perused the chargesheet. Apart from the first informant there are statements of brother Vinod Jadhav, mother Shakuntala Jadhav, uncle Tanaji Jadhav, aunt Muktabai Jadhav, sister Varsha Jadhav of the deceased Vidya. Their statements are identical with the allegations made in the FIR. Therefore at this stage, there is sufficient material to show that the relations between in-laws of Vidya and herself were not cordial. As far as the Applicants Anil and Dadaso are concerned, the allegations are that they had pacified Vidya on one occasion and had taken her back to her matrimonial house. They were described as mediators who had brought about the alliance between Satish

and Vidya. Apart from that, there are general allegations that on 09/08/2019 all the in-laws including these two Applicants had said something indicating that they were suspecting Vidya's character and that they would bring up this issue at a proper time. After thorough investigation, the only sections applied against the present Applicant Anil and Dadaso are u/s 498-A, 504 r/w 34 of IPC. The allegations against them fall short of the ingredients of section 498-A. They were basically mediators and had made efforts to see that Vidya was taken to her matrimonial house. Their intentions appears to be that Vidya had good relations with her husband and in-laws. I do not find that at this stage, there is material against them to bring home offence of section 498-A of IPC. Therefore they can be protected by an order of anticipatory bail.

11. As far as the Applicant Ranjana is concerned, her case stands on a different footing. In this context the inquest panchanama is an important piece of evidence. It shows that in column No.9 it is clearly mentioned that Vidya's legs were tied

with a scarf and there were two knots. It is more than clear that after tying her legs, she was thrown in the well. There is substance in the prosecution case that it was not a case of suicide, but a case of murder. Vidya was residing in her matrimonial house with her husband, father-in-law and Applicant Ranjana, who was her mother-in-law. Vidya was found dead in a well on 14/08/2019. Before that on the earlier date i.e. on 13/08/2019 the informant and his brother Tanaji had gone to meet Vidya at her matrimonial house. At that time, only the Applicant Ranjana was present. Vidya was not in the house. However, Ranjana told them that Vidya had gone with the other family members to a bank. This is an important circumstance. There is possibility that by that time, the incident had already occurred. The facts were within special knowledge of the Applicant Ranjana and others. Therefore at this stage, it cannot be said that she was not aware of these facts. Therefore at the stage of consideration of anticipatory bail, there is sufficient material against the Applicant Ranajana warranting her custodial interrogation. Therefore her application cannot be

granted, considering gravity of the offence against her. Her health condition can be taken care of by the investigating agency, if and when she is arrested, by providing her proper medical treatment.

12. Hence, the following order :

ORDER

- (i) Anticipatory Bail Application No.2737 of 2019 filed by Applicant Ranjana Duryodhan Pawar is rejected.
- (ii) Interim order running in her favour is vacated.
- (iii) Anticipatory Bail Application No.2147 of 2019 and Anticipatory Bail Application No.2116 of 2019 are allowed.
- (iv) In the event of their arrest in connection with C.R.No.193/2019 registered with Atpadi Police Station, Sangli, the Applicant Dadaso @ Dadasaheb Dnyanu Mulik and Applicant Anil

Dnyanu Mulik, are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, with one or two sureties each, in the like amount.

At this stage, learned counsel for the Applicants prays for continuation of interim order granted in favour of Ranjana. However, considering the fact that the chargesheet is already filed and investigation as far as Applicant Ranjana is concerned, could not take place because of the interim order, I am not inclined to extend that interim order.

Prayer for continuation of interim relief is therefore rejected.

(v) Applications stand disposed of accordingly.

(SARANG V. KOTWAL, J.)