

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

ANTICIPATORY BAIL APPLICATION NO.2349 OF 2019

1. Anjana Ashok Tone, &
2. Shankar Bhiva Tone. Applicants
Versus
The State of Maharashtra Respondent

Mr. Sachin K. Hande, Advocate for the Applicants.
Mr. Ajay Patil, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th MARCH, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.483/2019 dated 1.9.2019 registered at Jat Police Station, District-Sangli under Sections 498-A, 304-B, 306 read with 34 of the Indian Penal Code. The Applicants are protected by an interim order dated 25.10.2019.

2. Heard Shri Sachin Hande, learned Counsel for the Applicants and Shri Ajay Patil, learned APP for the State.

3. The FIR is lodged by one Umesh Sangolkar in

respect of death of his sister Suvarna and the harassment caused to her. He has stated in the FIR that Suvarna had married with Nivrutti on 11.6.2019. Applicant No.1 is mother of Nivrutti and Applicant No.2 is uncle of Nivrutti. It is alleged in the FIR that after marriage, Suvarna's in-laws were harassing her on the ground that dowry was not paid and the in-laws were not treated properly during wedding. When Suvarna had met the informant at their house during Rakshabandhan she had complained that the Applicant No.1 and her husband Nivrutti had asked her to bring two tolas gold. Since the informant was poor, he could not satisfy this demand. There are allegations that Suvarna had told the informant that her husband Nivrutti was having some illicit relations with a third person and, therefore, she was not happy. There are allegations that Suvarna's father-in-law and brother-in-law were also harassing her on the ground that she could not cook properly. Suvarna was found dead in suspicious circumstances on 1.9.2019. She was found in a well. On these allegations, the FIR is lodged.

4. Learned Counsel for the Applicants submitted that the charge-sheet is filed against other accused who are arrested and in the entire charge-sheet including the FIR there are hardly any allegations against the present Applicants warranting their custodial interrogation.

5. Learned A.P.P. relied on the FIR and also on the copy of the charge-sheet submitted by learned Counsel for the Applicants which is taken on record and marked 'X' for identification.

6. I have considered their submissions and I have also perused the statements in the charge-sheet. Apart from the FIR, there are statements of other family members of the deceased Suvarna. They are Namdeo Sangolkar, who is father of Suvarna, Dwarka who is her mother, Dashrath who is her uncle, Sushila is Dashrath's wife, Ganesh, who was another brother of Namdeo and Anita who was Ganesh's wife. All of them have stated that the deceased was harassed and the same allegations, as in the FIR, are made by these witnesses. In addition to the FIR, they have stated that Applicant No.2

also used to humiliate the deceased.

7. On reading the FIR and all these statements together, it can be seen that there are general allegations against the present Applicants. The harassment at the hands of both the Applicants is not described regarding any specific instances. Therefore, it is difficult to observe that the gravity of the harassment caused by the present Applicants was to such an extent that their act would fall under Section 107 read with 306 of IPC. In the FIR, there are no allegations at all against Applicant No.2. The only allegations against Applicant No.1 is that on one occasion, she had asked the deceased to bring two tolas of gold. The FIR was lodged in December, 2019. Therefore, after lapse of more than one and half years, custodial interrogation of the Applicants in the background of all these allegations is not necessary. Therefore, I am inclined to protect both of them by the order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection

with C.R.No.483/2019 dated 1.9.2019 registered with Jat Police Station, District-Sangli, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.

- (ii) Anticipatory Bail Application stands disposed of accordingly.

Pradeepkumar
P. Deshmane
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signed by
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P. Deshmane
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Deshmane (PS)

(SARANG V. KOTWAL, J.)