

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION [ABA] NO. 662 OF 2021.

Usha Ambadas Pawar.

-Versus-

State of Maharashtra, through P.O. Chandur Bazar, District Amravati.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.B. Gandhe, Advocate for the Applicant.
Shri J. Damle, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : DECEMBER 06, 2021

Heard.

2. In anticipation of arrest in connection with Crime No.413/2021 registered with the Non-applicant – Chandur Bazar Police Station, District Amravati for the offence punishable under Sections 304-B read with Section 34 of the Indian Penal Code, the applicant is seeking pre-arrest bail. The applicant also prayed for grant of interim protection.

3. A report is lodged by father of the victim against husband and in-laws of his

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deceased daughter. The informant stated that the victim was married with co-accused on 26.02.2019. After marriage, the applicant, who is mother-in-law along with her son and husband used to harass the victim by raising monetary demand. They have also demanded for transfer of agricultural land and accordingly the lady was harassed. Due to harassment victim committed suicide.

4. The State has resisted the bail by filing reply-affidavit. It is contended that there are allegations of demand and consequential harassment. The alleged offence is of serious nature.

5. Already co-accused i.e. husband and father-in-law are arrested by the police and they are in jail. According to the applicant, the allegations are of omnibus nature, without specifying the dates and events. Besides that the applicant lady has canvassed one more ground that the victim was having a baby boy who is barely 6

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months of age and presently she is taking care of the infant. It is submitted that the baby boy is diagnosed with Perinatal Asphyxia, for which he requires continuous medical treatment. In this regard, it is submitted that besides the applicant, there is nobody to look after the baby boy.

6. Upon instructions from the investigating officer, the learned A.P.P. admitted the position that at present the baby boy is with the applicant, who is his grand mother.

7. Apparently the ill fated baby boy has lost his mother, whilst father is in jail. There is no denial that the applicant, an old aged lady is taking care of the baby boy. Certainly this aspect needs consideration while assessing entitlement of the applicant for grant of bail.

8. The learned counsel for the applicant by denying the prosecution case, contended that since the newly born baby of

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victim was suffering from Perinatal Asphyxia, she was under depression and hence, she committed suicide.

9. Having regard to the nature of allegations, nothing is to be seized from the applicant. Considering the special feature of the case that the applicant lady is taking care of the infant, her liberty can be protected by directing her to join the course of investigation. In view of that, following order is passed.

- (i) Criminal Application is allowed and disposed of.
- (ii) In the event of arrest of the applicant/accused Usha Ambadas Pawar in connection with Crime No.413/2021 registered with the Non-applicant – Chandur Bazar Police Station, District Amravati for the offence punishable under Sections 304-B read with Section 34 of the Indian Penal Code, she be released on bail on her furnishing P.R. Bond in the sum of Rs.50,000/- with one surety in the

like amount.

- (iii) The applicant/accused shall attend the concerned police station on every Sunday in between 11 a.m. to 2 p.m, till the filing of charge sheet of for 90 days, which ever is earlier.
- (iv) The applicant/accused shall not tamper with the prosecution evidence in any manner.

JUDGE

Rgd.