

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.236 OF 2022

SHANTABAI W/O MANIKRAO KADAM
VERSUS
THE STATE OF MAHARASHTRA

...
Ms. Sakshi A. Kale, Advocate for applicant.
Mr. A. M. Phule, APP for the respondent – State.
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13.04.2022

ORDER :-

1. The applicant is apprehending her arrest in connection with Crime No.36 of 2022 registered with Vaijapur Police Station, Dist. Aurangabad for the offences punishable under Sections 498-A, 306, 323, 504 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Ms. Sakshi A. Kale for the applicant and learned APP Mr. A. M. Phule for the respondent – State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. At the outset, it is to be noted that the investigation is complete and charge-sheet has been filed on 19.03.2022. This Court had granted interim protection to the present applicant on 01.03.2022, that means the charge-sheet is filed thereafter

and it has been shown as against the present applicant that she has been released on anticipatory bail on 01.03.2022. Therefore, the custodial interrogation of the applicant is not required at all.

4. Perusal of the First Information Report lodged by the father of the deceased would show that deceased has left her issues and she was married more than 10 years before. He states that since beginning, that means, from marriage itself the demand from the in-laws and the husband was of amount of Rs.2,00,000/- to construct house. The First Information Report gives the impression that for 10 plus years the same demand continued. This is indigestible. Further, the informant appears to be not present in the house of his daughter and states that his grand daughter had gone to stay with deceased and she informed about the alleged incident dated 16.01.2022 to the informant, wherein the husband, his parents including the present applicant and others had abused and assaulted deceased and thereafter deceased got annoyed and left the house. Informant has not stated in the First Information Report, as to what inquiry he had made with the children of the deceased. The dead body has been found in a well within the jurisdiction of village Sanvadgaon. Definitely, it is for the police to investigate, as to how the deceased would have reached from Parsoda shivar to Sanvadgaon. There are no such documents or statement on record to show that as to how the deceased had reached near the well. Statement of two daughters appear to have been recorded under Section 161 of the Code of Criminal Procedure and both of them have stated that

the parents were never quarreling with each other. So also, the present applicant and her husband, who are in-laws, were never used to assault the mother. They both have stated that they went to sleep at night time and in the morning, they could not find mother. So, there is room to infer at this stage that no untoward incident had happened at night time before the girls went to sleep. Then, from whom the informant received the information that something had happened, which can be stated to be abetment, the deceased has committed suicide. Therefore, taking into consideration all these facts, the interim protection granted earlier by this Court on 01.03.2022 deserves to be confirmed. Hence, the following order :-

ORDER

- I) Application is hereby allowed.
- II) The interim protection granted earlier vide order dated 01.03.2022 stands confirmed and made absolute. In other words, in the event of arrest of applicant – Shantabai w/o Manikrao Kadam in connection with Crime No.36 of 2022 registered with Vaijapur Police Station, Dist. Aurangabad for the offences punishable under Sections 498-A, 306, 323, 504 read with Section 34 of Indian Penal Code, she be released on P. R. Bond of Rs.50,000/- with two solvent sureties of Rs.25,000/- each.
- III) The applicant shall not indulge in any criminal activity nor shall tamper with the prosecution evidence, in any manner.
- IV) She should cooperate with the investigation.

[SMT. VIBHA KANKANWADI, J.]