

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

914 ANTICIPATORY BAIL APPLICATION NO.349 OF 2022

LAXMI W/O BAPU KADAM
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Sohail Subhedar Sk. h/f
Mr. Ghanekar Nilesh S.
APP for Respondent-State : Mr. K. S. Patil.
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CORAM : S. G. MEHARE, J.
DATE : 23.08.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is the wife of the deceased who committed suicide by consuming poison. It has been alleged against the applicant that she has extra marital relations with others. There were quarrels between husband and wife on that count. The brother and father of the applicant extracted money from deceased and cheated him for Rs.5,00,000/-. Someone sent SMS on Whatsapp with a video clip to the deceased stating that the present applicant has extra marital relations with many others. Therefore, the deceased consumed the poison and died in the hospital.

3. Learned counsel for the applicant would submit that the applicant is not conversant with the person who has allegedly sent the SMS on Whatsapp to the deceased. She was living with the deceased husband peacefully, but since he has committed suicide, she has been falsely implicated in the crime. Nothing is to be recovered from her. Therefore, she may be released on anticipatory bail.

4. Learned APP has strongly opposed the application contending that before the present incident also, the deceased was mercilessly beaten by the applicant, her brother and father. *Prima facie*, evidence available against the applicant that she has extra marital relations. The offence is serious. Hence, her custodial interrogation is essential.

5. The FIR discussed above clearly indicates that on receiving the message of having extra marital relations of the applicant with someone else, the deceased committed suicide. It is also mentioned in the FIR that the deceased husband had issued a notice through an advocate to the present applicant. Remedy of divorce was available to the deceased. Be that as it may, considering the allegations, the prosecution has no material to convince the Court that it has a strong case for custodial interrogation of the applicant. Therefore, the

application deserves to be allowed. Hence, the following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant LAXMI W/O BAPU KADAM, be released on bail on furnishing P.B. and S.B. of Rs.20,000/- (Rupees Twenty Thousand only) with one solvent surety in the like amount in Crime No. 394 of 2021, registered with Police Station Sangamner Taluka, District Ahmednagar for the offence punishable under Section 306 read with Section 34 of the IPC, on the condition that he shall attend the Police Station as and when called by the Investigating Officer.

(S. G. MEHARE, J.)

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vmk/-