

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

910 ANTICIPATORY BAIL APPLICATION NO.477 OF 2022

**SHALAN RAJENDRA GAVHANE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant: Mr. Rahul R. Karpe
APP for Respondent: Ms. V. S. Chaudhari

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CORAM: SARANG V. KOTWAL, J.

DATE: 09th JUNE, 2022

PER COURT:

1. The applicant is seeking anticipatory bail in connection with C.R. No.293/2021 dated 15.07.2021 registered at Belwandi Police Station, District – Ahmednagar under Section 306, 498-A read with Section 34 of the Indian Penal Code, 1860.

2. Heard Mr. R. R. Karpe, learned Counsel for the applicant and Ms. V. S. Chaudhari, learned APP for the Respondent – State.

3. The F.I.R. is lodged by the mother of the deceased. She has stated that the deceased got

married with the applicant's son on 19.05.2020. She was residing together with the applicant, applicant's husband, applicant's son who had got married with the deceased, the applicant's other son and applicant's daughter Kajal. It is mentioned in the F.I.R. that for a period of two months she was treated properly and thereafter all the family members of the applicant including the applicant started demanding Rs.2,00,000/- by way of dowry and on that ground started harassing her. The deceased used to tell that to the informant. In April-2021 the deceased fell ill and therefore the informant brought the deceased and her husband – applicant's son to her house for treatment. They resided with the informant for about 2 months and then returned in June 2021. The husband of the deceased got a job in Belwandi and therefore the deceased and her husband started residing separately in a rented room. On 02.07.2021, when the deceased had met the informant, she complained that her husband used to harass her and was constantly demanding money. Similarly, her sister-

in-law i.e. the applicant's daughter - Kajal used to demand money and used to harass the deceased. On 13.07.2021 she told informant telephonically that the husband was not treating her properly. The applicant and the applicant's husband had stopped communicating with her and the sister-in-law was constantly harassing her. On 14.07.2021, she committed suicide by hanging herself. On this basis the F.I.R. is lodged.

4. Learned Counsel for the applicant submitted that admittedly for a few months before the incident, the deceased and the her husband were residing separately. Therefore, the applicant had no active role to play in the incident. There are only general allegations against her and no specific instance is mentioned. Learned Counsel emphasised the fact that the applicant's daughter Kajal, who is similarly placed; as the allegations against the applicant and Kajal are almost similar; is already granted anticipatory bail by the Sessions Court. Therefore, on the ground of

parity, the applicant also deserves the same treatment.

5. Learned APP opposed this application. She relied on the statements of the other family members which are forming part of the charge-sheet. She submitted that there are clear allegations in the F.I.R. of causing harassment to the deceased for demand of dowry. She, therefore, opposed this application.

6. I have considered the submissions and I have perused the charge-sheet which is annexed to this application. There is no dispute that the deceased had committed suicide by hanging herself. The statements of the other family members who are related to the informant are almost similar to the narration mentioned in the F.I.R. The crucial question is, whether the applicant can be said to be responsible for offence punishable under Section 306 of Indian Penal Code, 1860. Admittedly, for about four months before the incidence the applicant was not residing with the

deceased. The applicant's son – husband of the deceased and the deceased were residing with the informant for two months from April 2021 to June 2021 and, thereafter, they were residing in a separate rented room. Therefore, there was no occasion for the applicant to continuously harass her. In fact, during that period some vague allegations are levelled against the husband of the deceased and sister-in-law of the deceased i.e. the daughter of the applicant. Applicant's daughter – Kajal is granted anticipatory bail. Therefore, principles of parity will apply in favour of the applicant. Considering all these aspects, the applicant also deserves the same treatment. The charge-sheet is already filed against other accused. In this case her custodial interrogation is not necessary.

7. It is made clear that, all these observations are made only for deciding this application. The trial Court shall decide the trial uninfluenced by these observations. Today, I have considered only the question of grant of

anticipatory bail. Based on the above discussion, the applicant has made out a case for her release under Section 438 of Code of Criminal Procedure, 1973 mainly on the ground of parity. Hence, the following order-

ORDER

[I] In the event of her arrest in connection with C.R. No.293/2021 registered at Belwandi Police Station, District Ahmednagar, the applicant is directed to be released on bail on her furnishing P.R. bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount.

[II] Application stands disposed of accordingly.

[SARANG V. KOTWAL, J.]

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