

(1)

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

ANTICIPATORY BAIL APPLICATION NO.517 OF 2021

SUSHILABAI BARIKRAO HULGUNDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr V. S. Undre, Advocate for applicant;
Mr K. S. Patil, A.P.P. for respondents

CORAM : S. G. MEHARE, J.

DATE : 6th September, 2022

PC.

1. Heard the learned counsel for the applicant and the learned A.P.P for the respondents.
2. The applicant is the mother-in-law of the deceased. The deceased got married on 12.05.2018. The incident happened on 06.04.2021. In the incident, the daughter-in-law and the grand-son of the applicant died. Their bodies were found in a well. The allegations of demand of dowry and illtreatment have been levelled against the applicant.
3. The learned counsel for the applicant would submit that the applicant is on *interim* protection from 25.05.2021. The charge-sheet has been filed against the other co-accused. However, since the applicant was on *interim* protection, the charge-sheet is yet not filed against her. Nothing is to be recovered from the applicant. The death

(2)

of the deceased was accidental. She was never harassed or illtreated, but the deceased died in an accident. Hence, false allegations have been levelled against the applicant. Therefore, she may be granted anticipatory bail.

4. The learned A.P.P. has strongly opposed the application contending that the offence is serious. There are two deaths. The allegations are specific against the applicant that she was harassing the deceased physically and mentally for dowry. The offence is serious and grave and, therefore, the application may be rejected.

5. Perused the papers. The allegations of demand of dowry and harassment have been levelled against the applicant. The general allegations have been levelled against the accused that they were demanding money from the parents of the deceased for constructing the house. The complainant is a labourer. Considering the allegations and the role attributed to the applicant, the prosecution has no case for custodial interrogation. The application deserves to be allowed. Hence, the following order :-

- i) The application is allowed.
- ii) The interim protection granted to the applicant by order dated 25.05.2021 is confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

amj