

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

16 ANTICIPATORY BAIL APPLICATION NO.698 OF 2020

1. Ankush Pralhad Rathod,
2. Ankush Govinda Chavan,
3. Gangubai Ankush Chavan,
4. Sangita Sheshrao Rathod,
5. Sheshrao Ganpat Rathod. ... Applicants

Versus

The State of Maharashtra. ... Respondent

...
Mr. Balaji S. Chondhekar, Advocate for Applicants.
Mr. V. M. Kagne, APP for Respondent/State.

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CORAM : **SARANG V. KOTWAL, J.**

DATE : 06th June, 2022.

PER COURT:

. The applicants are seeking anticipatory bail in connection with C.R. No.262 of 2020, registered at Sengaoon Police Station, Hingoli on 28th July, 2020 under Sections 304-B, 306, 498-A read with 34 of the Indian Penal Code.

2 Heard Mr. Chondhekar, learned counsel for applicant and the learned APP for the State.

3 The FIR is lodged by Madan Rathod, who was father of deceased Priyanka. She was married to the main accused Sevak Jadhav. Applicant No.1 is husband of one of the sisters of Sevak. Applicant No.3 is his sister. Applicant No.2 is husband of applicant No.3. Applicant No.4 is another sister of Sevak and applicant No.5 is husband of applicant No.4. Thus, they are related to Sevak Jadhav, who was husband of the deceased Priyanka. In the FIR, the informant has stated that Priyanka got married with Sevak in 2017. In the marriage, he had given dowry of Rs.1,00,000/- and had promised to pay balance of Rs.50,000/- subsequently. It is mentioned in the FIR that applicant Nos.2 to 4 were residing at village Mohja Bandi in the neighbourhood of Sevak and Priyanka. Applicant No.1 was residing at village Hatta, Taluka Lonar and used to visit Priyanka's matrimonial house. It is alleged in the FIR that all these applicants used to tell Sevak to ask for the balance of the dowry amount. On such instigation, Sevak used to cause mental and physical harassment to Priyanka. It is the case of the informant that Priyanka used to tell this to Priyanka's mother Radha. It is his further case in the FIR that Priyanka used to tell him and his wife that Sevak was having illicit relations with a neighbour and on her instigation, he used to assault her. Even that neighbour used to cause mental and physical harassment to her. The informant had promised to pay the balance amount and requested Sevak not to ill-treat Priyanka. On 27th July,

2020, the informant was told telephonically by the applicant/Ankush Chavan that Priyanka was serious. The informant and others went to the primary health centre at Sirsod. They came to know that Priyanka had already died. At that time, Sevak Jadhav and others told the informant and others that Priyanka had died because of snake bite. However, informant smelt some poisonous substance on the dead body. Sevak could not explain the exact place where there was snake bite on the body. The informant was convinced that there was no snake bite and that Priyanka had committed suicide by consuming poison. On this basis the FIR is lodged.

4 Learned counsel for both the sides submitted that charge-sheet in this case is already filed. The learned counsel for the applicant stated that husband Sevak Jadhav was arrested and was released on bail. I have also perused the charge-sheet with the assistance of the learned counsel for both the sides.

5 Learned counsel for applicant submitted that there is no specific role attributed to either of the applicants attracting the provisions of Sections 304-B of the Indian Penal Code against them. He submitted that even ingredients of Section 498-A are not clearly made out against the applicants. They are simply roped in because they are close relatives of Sevak Jadhav.

6 On the other hand, the learned APP submitted that there are consistent statements of the family members and others regarding harassment caused to the deceased. Therefore, all the sections are properly applied and anticipatory bail therefore, should not be granted to the applicants.

7 I have considered these submissions. Apart from the first informant, there are statements of other family members of the deceased i.e. brother Ajay, mother Radhabai, uncle Govinda and other witnesses. Their statements are similar to the FIR. The postmortem notes show that there was one contusion on the neck. The cause of death was not mentioned as final opinion was reserved, which was to be given after the viscera report was received. The postmortem examination was conducted on 27th July, 2020 and till today, no such viscera report or final opinion is placed before the Court. The matter is unnecessarily kept pending. The crucial question is about the role of the applicants. Even assuming that viscera would show presence of poison, even then neither of these applicants are shown to be responsible even remotely for either administering any poison or having taken any part in the actual incident of commission of suicide by Priyanka. The FIR itself shows that it could be a case of suicide. Though there are allegations that the applicants were instigating the

husband to ask for balance amount of dowry, there are no direct allegations of any ill-treatment or harassment caused by the applicants to the deceased herself. Apart from that one more significant aspect in the matter is that there are allegations made by the deceased herself that her husband Sevak was having illicit relationship with a neighbour and therefore, Priyanka was disturbed. That possibly could be the reason for the suicide. Considering all these aspects, the applicants' custodial interrogation is not really necessary. The applicants were protected by the way of interim order, which was passed on 17th August, 2020. For about 2 years, they were on interim protection. Considering the background and allegations against the applicants, custodial interrogation of the applicants is not necessary. They can be protected by an order of anticipatory bail. Hence, the following order is passed:

ORDER

- I. In the event of arrest of the applicants in connection with C.R. No.262 of 2020, registered at Sengaon Police Station, Hingoli, the applicants are directed to be released on bail on their executing P. R. bond in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand Only) each with one or two sureties each in the like amount.

- II. The applicants shall cooperate with the investigation
and shall not influence the witnesses in any manner.
- III. Application stands disposed of accordingly.

[SARANG V. KOTWAL, J.]

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