

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

ANTICIPATORY BAIL APPLICATION NO.605 OF 2022

DEEPAK GORAKH GUNJAL
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Karpe Rahul R.
APP for Respondent : Mrs. V N Patil-Jadhav

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CORAM : SARANG V. KOTWAL, J.
Dated: June 08, 2022

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PER COURT :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.192 of 2022 dated 30.3.2022 registered at Ahmednagar Taluka Police Station, District Ahmednagar for the offence punishable under sections 304-B, 306, 498-A r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Mohan Anna Vethekar in respect of death of his sister Rekha. She was married to one Anil Gunjal on 28.4.2018. She had one and half year old daughter. In the marriage, the informant's family had given furniture worth Rs.1,50,000/-, cash amount Rs.50,000/- as well as a gold ring. Initially for the first year, she was treated properly. Thereafter, her
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husband's family members started demanding Rs.1.00 Lakh for agricultural purposes and, on that ground her husband Anil, brother-in-law Amol, mother-in-law Mangal and present applicant Deepak used to abuse, ill-treat and assault her. The applicant is described as cousin of Rekha's husband Anil. That amount was paid. After that, for a few days Rekha was treated properly. But, again Rekha was asked to bring Rs.1.00 Lakh. On that count again, ill-treatment started. Informant went to her matrimonial house and tried to convince her husband, brother-in-law and mother-in-law to treat her properly and that, he would pay Rs.1.00 Lakh after he was in a position to pay. From July, 2021 to March 2022 informant forwarded Rs.63,000/- to the account of the husband Anil. On 29.3.2022 informant was telephonically told by Anil that Rekha was missing since morning. On 30.3.2022 during search, Rekha's dead body was found floating in a well. Suspecting that she had committed suicide; the informant lodged this FIR.

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3. Heard Mr. Karpe, the learned counsel for the applicant and Mrs. V N Patil Jadhav, learned APP for the Respondent State.

4. Learned counsel for the applicant submitted that the applicant is not an immediate family member of the husband of the deceased. He was residing separately. There are no allegations against him. He is implicated because of previous enmity.

5. Learned APP, on the other hand, submitted that, the applicant is residing in the adjacent house and there are allegations against him. Learned APP also produced investigation papers.

6. I have considered these submissions and I have perused the investigation papers. Postmortem notes show that death was due to asphyxia due to drowning. There are statements of witnesses namely Anna Vethekar-father of the deceased, Sangita Vethekar-mother of the deceased, Shankar Vethekar-uncle of the deceased and Archana-sister of the deceased. All the

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statements are almost similar to the FIR. Considering all these statements, there are general allegations against the applicant that after initial one year, all the family members including the applicant were ill-treating the deceased. However, there is no specific instance mentioned against the applicant. After this first part of the allegations, next part is restricted to the allegations against other accused i.e. husband, brother-in-law and mother-in-law in respect of further demand of Rs.1.00 Lakh. Therefore, the allegations against the applicant are general in nature and they are vague. There is no direct connection alleged against him as far as the alleged incident of the victim missing from the house is concerned. In this view of the matter, the applicant's custodial interrogation is not necessary. He can be protected. I am inclined to grant relief to him. Hence, following order.

O R D E R

- i. In the event of his arrest in connection with C.R.No.192 of 2022 registered with Ahmednagar Taluka Police Station,

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Ahmednagar, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) with one or two sureties in the like amount.

- ii. The applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- iii. Application stands disposed off accordingly.

(SARANG V. KOTWAL, J.)

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