

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1389 OF 2022

Kusum W/o Sunilrao Doiphode Applicant
Versus
The State of Maharashtra Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.1258 OF 2022

Sunilrao S/o Dadarao Doiphode Applicant
Versus
The State of Maharashtra Respondent

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Mr. Joydeep Chatterji, Advocate for the Applicants
Mr. N.T. Bhagat, APP for Respondent No.2 – State assisted by
Mr. Prasad D. Jarare, Advocate for the complainant
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th NOVEMBER, 2022

ORDER :

1. Applicants Kusum Sunilrao Doiphode and Sunilrao Dadarao Doiphode are the in-laws of the deceased Ankita. They seek anticipatory bail in Crime No.0357 of 2022 registered with Jamkhed Police Station, District Ahmednagar for the offences punishable under Sections 304-A, 304-B, 306 read with 34 of the Indian Penal Code.

2. Swapnil Uttamrao Kedar, brother of Ankita lodged FIR with Jamkhed Police Station alleging that Ankita's marriage with Sachin Sunilrao Doiphode was solemnized on 24/04/2022. At the time of marriage, dowry of Rs.8,50,000/-, five tolas gold and household articles were given in the marriage. After the marriage, Ankita went to the house of in-laws at Wadwanti for cohabitation. She was being ill-treated by the applicants on the ground that the marriage was not properly performed. They were also demanding Rs.10,00,000/- for construction of the house at Jamkhed, and telling Ankita that unless the amount of Rs.10,00,000/- is given, she will not be taken to Jamkhed.

3. On 30/05/2022, her parents were called by the in-laws stating that Ankita has locked herself in a room. Her parents, therefore, rushed to Wadwani. After they return, on inquiry by the first informant, they told that Ankita was locked by her husband, father-in-law and mother-in-law. They were complaining about Ankita. At that time, Ankita told them that she was being assaulted and harassed by her husband, father-in-law and mother-in-law as she was not bringing an amount of Rs.10,00,000/- from her parents, for construction of house at Jamkhed.

4. On 11/07/2022, Ankita and her husband Sachin started residing at a rented house at Shivaji Nagar, Jamkhed, but Ankita's harassment by the in-laws still continued. On 20/07/2022, Ankita slashed her wrist and also consumed Harpic. Information was given to her parents. They rushed to Jamkhed. They were told that Ankita was shifted to Shreedeeep Hospital at Ahmednagar. Her parents and the first informant went to Ahmednagar. At that time, Ankita was unconscious. Ankita expired on 22/07/2022. Thereafter, the FIR in question is lodged on 26/07/2022.

5. Heard learned advocate for applicants and learned Additional Public Prosecutor for respondent – State. Perused the investigation papers.

6. The learned advocate for the applicants strenuously submitted that Sachin and Ankita were residing separately at Jamkhed where Ankita committed suicide. The charge-sheet is filed in the present crime on 11/10/2022. The applicants being in-laws of the deceased Ankita are falsely implicated in the crime. The applicants were granted interim protection, and they cooperated in the investigation. He submits that in view

of filing of the charge-sheet, custodial interrogation of the applicants is not necessary.

7. Per contra, learned Additional Public Prosecutor vehemently opposed the application by relying on the statements recorded during the course of investigation. He submits that there is sufficient material on record to show that the applicants have harassed the deceased Ankita. Since the applicants' involvement is made out from the investigation papers, merely because charge-sheet is filed by showing the applicants as absconding, the applicants are not entitled for discretionary relief. He, therefore, submits that application be rejected.

8. There are specific allegations of ill-treatment to the deceased Ankita at the hands of the father-in-law, mother-in-law and husband of the deceased Ankita on account of demand of Rs.10,00,000/- from the parents for the construction of house at Jamkhed. Within three months of marriage, Ankita has committed suicide, which indicates the degree of ill-treatment meted out to Ankita by the father-in-law, mother-in-law and the husband. Since Ankita could not bear ill-treatment at the hands of father-in-law, mother-in-law and husband, she has taken the extreme step of committing

suicide within three months of marriage. The statement recorded during the course of investigation shows involvement of the father-in-law, mother-in-law and husband of deceased Ankita in the crime.

The contention of the applicants that Ankita and Sachin were residing separately at Jamkhed is unacceptable in view of the fact that the investigation papers indicate that Ankita and Sachin went to reside at Jamkhed on 11/07/2022, and applicant Kusum accompanied them. Statement of landlord of Sachin at Jamkhed also reveals that Ankita disclosed to her that her cell phone was taken by her in-laws and Ankita was not permitted to talk her parents and relatives. Ankita also disclosed about the ill-treatment suffered by her at the hands of in-laws.

9. In the light of the above facts, *prima facie*, there is sufficient material to show the involvement of the applicants in the present crime.

10. In the above facts of the case, the applicants do not deserve discretionary relief of anticipatory bail.

11. In the result, both the applications are hereby rejected.

12. At this stage, learned advocate for the applicants submitted that the interim protection granted to the applicants may be continued for a period of two weeks to enable the applicants to approach the Hon'ble Apex Court.

13. The interim protection granted to the applicants to continue for a period of two weeks from today.

**[NITIN B. SURYAWANSHI]
JUDGE**

S.P. Rane