

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.445 OF 2022

1. Mayur Ramesh Karbhari
2. Mrs. Ruchia Prabhakar Wayale
3. Mr. Prabhakar Dattatraya Wayale Applicants
Versus
The State of Maharashtra Respondent

Dr. Uday P. Warunjikar a/w Sonali R. Chavan for the Applicants.
Smt. Sharmila Kaushik, APP for the Respondent-State.

CORAM :SARANG V. KOTWAL, J.

DATE : 18th FEBRUARY, 2022

P.C. :

1. The Applicants are seeking anticipatory bail in connection with CR No.I-374 of 2021 dated 12th December, 2021 registered at Khadakpada Police Station, Kalyan, under Sections 498(A), 306, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. The FIR was lodged by Sumit Balaram Bhoir who is brother of the deceased Ashwini Bipin Karbhari. On 21st May, 2019, Ashwini got married with Bipin Karbhari. Applicant No.1 is the Brother-in-law of the deceased and Applicant No.2 is the sister-in-law of the deceased where as Applicant No.3 is the husband of Applicant No.2.

3. After marriage, the deceased Ashwini started residing with Bipin's family i.e. Bipin's mother and Applicant No.1. They were

residing at Hiriyacha pada, Umbarde, Kalyan (w). Applicant Nos.2 and 3 were residing at Wayalenagar, Kalyan(w) in different village. But they used to visit the house of Bipin often. It is mentioned in the FIR, after the marriage, Bipin's brother i.e. Applicant No.1 and others used to quarrel with the deceased on some petty issues. The other two Applicants also used to scold and abuse the deceased. The FIR, thereafter, goes on mentioning about the husband Bipin's indifferent behaviour towards the deceased. There are other grievances against the mother-in-law. Because of all these, the deceased was disturbed and ultimately she committed suicide on 11th December, 2021 by consuming poison. On this basis, the FIR was lodged.

4. Learned counsel for the Applicant submitted that Applicant No.1 is employed in private service. He submitted that there is hardly any allegations against Applicant No.1. He submitted that Applicant nos.2 and 3 were residing separately and admittedly on the date of incident none of the Applicants was present in the house. He submitted that the allegations against the Applicants are vague and they do not fall within the meaning of abetment. He submitted that therefore the custodial interrogation of the Applicants is not necessary.

5. Learned APP opposed the anticipatory bail Application. She produced the Investigation papers before the Court. She submitted that

there are further allegations against Applicant No.2 in the supplementary statement of mother of the deceased.

6. I have considered these submissions. In the supplementary statement, there are allegations against Applicant No.1 which are vague and only at one place, there is reference that he used to pick up quarrel with the deceased. As far as the other two Applicants are concerned, they are residing separately and in the FIR it is mentioned that they also used to harass the deceased, but no specific incident was mentioned in the FIR or the supplementary statement of the mother of the deceased. On 1st December, 2021, Applicant No.2 had quarreled with the deceased, that incident had taken place about 10 days prior from 11th December, 2021. Therefore, this is no proximate act attributable to either of the Applicants which could indicate that they were instrumental in the deceased's taking such an extreme step. Allegations against all the Applicants are vague. In these circumstances, the custodial interrogation of the Applicants is not necessary.

7. Hence, the following order:

ORDER

- (i) In the event of their arrest in connection with C.R. No.I-374 of 2021 registered at Khadakpada Police Station, Kalyan, the Applicants are directed to be

released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each in the like amount.

- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)