

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1123 OF 2022**

Jitendra Badshah Malake and Ors. ... Applicants
versus
The State of Maharashtra ... Respondent

Mr. Shailesh Kharat, for Applicant.
Mr. A.A.Palkar, APP, for State.

CORAM: N.J.JAMADAR, J.

DATE : 20th JUNE, 2022

P.C.

1. This is an Application for pre-arrest bail in connection with C.R.No.99 of 2022 registered with Chandannagar Police Station for the offences punishable under Sections 498(a), 306, 504, read with Section 34 of the Indian Penal Code, 1860.
2. The applicants are parents and brother of Mr. Nikit Malke, the husband of Ankita (the deceased). Mr. Ashok Ravalkar, the first informant, lodged a report with Chandannagar Police Station with the allegations that after the marriage, the husband of the deceased and her in-laws (the applicants herein), subjected her to cruelty. They raked up quarrels on minor issues. The deceased stayed back for a period of five months at her parental home. On 20th February, 2022, post resolution of the dispute, the deceased was sent to her matrimonial home. Even thereafter, the Applicants allegedly harassed the deceased on the count that she was not cooking proper food and did not wake up early in the morning. On 28th March, 2022, the

deceased allegedly committed suicide by hanging.

3. This Court by an order dated 25th April, 2022 was persuaded to grant interim pre-arrest bail to the Applicants. It was noted that the allegations were, prima facie, of general and omnibus nature.

4. The learned Advocate for the Applicants, taking the Court through the allegations in the FIR would urge that there is no material on record to bring the conduct of the Applicants within the dragnet of Section 498A of the Indian Penal Code, much less under Section 306 of the Indian Penal Code, 1860.

5. Prima facie, the allegations in the FIR appear to be of general nature. There is no allegation of unlawful demand of property and the consequent harassment in order to coerce the deceased to meet the unlawful demand. The allegations, on the contrary, revolve around the grievances of the in-laws that the deceased was not adept in the household work. Prima facie, the allegations do not warrant custodial interrogation of the Applicants to facilitate effective investigation.

5. I am, therefore, persuaded to exercise the discretion in favour of the Applicants. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The order dated 25th April, 2022 granting pre-arrest bail to the Applicants stands confirmed on the terms and conditions incorporated therein, subject

to the following modification : (a) the Applicants shall attend Chandannagar Police Station every alternate Sunday from 10.00 a.m. to 12.00 noon for a period of two months from today.

(b) The Applicants shall regularly attend the proceedings before the jurisdictional Court.

(N.J.JAMADAR,J.)