

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2503 OF 2022

Bagadibai Amarchand Jain	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Ms.Shamal Gaonkar i/b R.B. Mokashi, for the Applicant.

Mr.S.H. Yadav, APP for the State.

PSI Gokul B.W. Wadala Truck Terminal Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 10th OCTOBER, 2022.

P.C.

1] Heard Ms.Shamal Gaonkar, the learned counsel for the Applicant who is instructed by Mr.R.B. Mokashi.

She would submit that the ingredients of Section 306 of the Indian Penal Code are not made out as the marriage of deceased was solemnized with the son of Applicant more than 20 years back and the allegations which are levelled in the complaint are general in nature. The Applicant is mother in law of the deceased and by no stretch of imagination there is any abetment or instigation to commit suicide.

2] The learned APP has placed on record statements of two minor children of the deceased who were present in the house and both of them have referred to the happenings in the house on 27.07.2022 when a quarrel ensued between their parents and deceased was

slapped by the husband. A specific role is attributed to the present Applicant when she also participated in the quarrel and when the deceased wanted to leave the house she was pulled by her hair .

3] Considering the specific involvement of the present Applicant, she do not deserve protection from arrest as prima facie case of instigation is established by the prosecution through the statements of two minor witnesses.

4] In the wake of above, application is rejected.

[BHARATI DANGRE, J]