

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

BAIL APPLICATION NO. 2903 OF 2022

Babybai Dattu Patil & Anr.	...Applicants
Versus	
State of Maharashtra	...Respondent

.....

Ms. Mallika Ingale for the Applicants.
Ms. M. M. Deshmukh, APP for the State.

.....

CORAM : N.R. BORKAR, J.
DATED : 21st OCTOBER, 2022.

P.C. :-

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicants came to be arrested in Crime No.85 of 2022 registered at Dadar Coastal Police Station, District Raigad for the offences punishable under Sections 306, 498A, 323, 504, 506 r/w. Section 34 of the Indian Penal Code.

3. The deceased was daughter-in-law of the present applicants. The marriage of the deceased was solemnised with the son of the applicants on 15 October 2019. According to the prosecution, the

deceased was not treated well. The husband of the deceased and the present applicants used to ill-treat her as she gave birth to girl child. According to the prosecution, the deceased fed up with said ill-treatment committed suicide on 25 August 2022.

4. I have heard the learned counsel for the applicants and the learned APP for the respondent/State.

5. Learned counsel for the applicants submits that the marriage of the deceased with the son of the applicants was love marriage. It is submitted that the applicants are no way responsible for the death of the deceased as they never interfered in the life of the deceased and their son. It is submitted that the applicants are in jail since 25 August 2022. It is further submitted that the applicants are not likely to abscond, if released on bail.

6. On the other hand, the learned APP submits that the applicants are involved in a serious offence of abatement of suicide. It is submitted that due to constant ill-treatment of the husband of the deceased and present applicants, the deceased was constrained to commit suicide.

7. I have perused the First Information Report. There are no allegations of unlawful demand of money. It appears that there

were certain differences between the deceased and her husband and therefore, they took customary divorce. It appears that after customary divorce, on the assurance of the husband of the deceased that he would treat the deceased well, she was sent back for cohabitation. It appears that main allegations of cruelty are against the husband of the deceased.

8. Considering the above facts and circumstances, I am inclined to release the applicants on bail. In the result, the following order is passed:-

ORDER

(i) Bail Application is allowed.

(ii) The applicants be released on bail in Crime No.85 of 2022 registered at Dadar Coastal Police Station, District Raigad for the offences punishable under Sections 306, 498A, 323, 504, 506 r/w. Section 34 of the Indian Penal Code, on furnishing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) each, with one or two sureties in the like amount.

(N.R. BORKAR, J.)