

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.10 OF 2022

Supriya W/o Pramod Ingle

Versus

State of Maharashtra, through P.S.O., Shegaon, Tah.Shegaon, Dist. Buldhana

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.V. Rai, Advocate for the appellant.

Shri M.J. Khan, A.P.P. for the respondent/State.

CORAM : ANIL S. KILOR, J.

DATED : 17th FEBRUARY, 2022

1. By the present application, the applicant filed under Section 438 of the Code of Criminal Procedure. The applicant is praying for grant of anticipatory bail in Crime No.746 of 2021 dated 25.12.2021 registered with Police Station Shegaon, District Buldhana on a complaint made by one Gajanan Gawande against the applicant and her husband Pramod, for the offence punishable under Sections 306 and 34 of the Indian Penal Code.

2. It is the case of the prosecution that the complaint was lodged by the complainant about the accidental death of Baliram Ingle and during the inquiry with regard to the said accidental death, the Inquest

Panchanama was conducted in the presence of Panch witnesses. During the Panchanama, the complainant searched dead body and found one suicide note wherein, the name of the applicant and her husband was mentioned as responsible for the commission of suicide by the deceased. The applicant is the daughter-in-law of the deceased whereas, the accused is the son of the deceased. Accordingly, the offence was registered against the applicant and her husband.

3. During the investigation, it is revealed that the deceased was alcoholic and there used to be quarrel between the accused person and the deceased on the issue of assault to Sumanbai mother of the accused Pramod by deceased and out of the said frequent quarrel, the deceased committed suicide.

4. Heard Shri M.V. Rai, learned counsel for the applicant and Shri M.J. Khan, learned A.P.P. for the respondent/State.

5. Shri Rai, learned counsel for the applicant submits that there is nothing on record to show that the applicant is involved in the alleged offence. He further submits that the applicant was protected by granting ad-interim anticipatory bail vide order dated 05.01.2022 and as per one of the conditions of the bail, she has

attended the police station and there is no complaint about misuse of the liberty by the applicant. He further submits that the custody of the applicant is not necessary in the present matter and therefore, order of granting ad-interim anticipatory bail may be confirmed.

6. On the other hand, Shri Khan, learned A.P.P. strongly opposes the application and states that the suicide note was recovered wherein the deceased has specifically stated that the applicant and her husband are responsible for suicide. Accordingly, he prays for rejection of the present application.

7. I have perused the contents of the First Information Report and also case diary.

8. The applicant is the daughter-in-law of the deceased and the deceased has committed suicide due to family quarrel. Nothing has been pointed out why the custody of the applicant is necessary in this matter. Moreover, there is no complaint by the learned A.P.P. that the applicant has misused the liberty when she was on bail.

9. In that view of the matter, I am of the opinion that this is a fit case for confirmation of ad-interim anticipatory bail granted to the applicant vide order

dated 05.01.2022. Accordingly, I pass the following order:

- a) The criminal application is allowed.
- b) Ad-interim protection granted vide order dated 05.01.2022 is confirmed.
- c) It is made clear that the applicant shall attend the Police Station whenever her presence is required.
- d) It is further made clear that the police shall issue 24 hours prior notice to the applicant, whenever her presence is required.

The criminal application is disposed of, accordingly.

[ANIL S. KILOR, J.]

CHETAN
LOPCHAND
DHAKATE

Digitally signed
by CHETAN
LOPCHAND
DHAKATE
Date:
2022.02.24
10:32:16 +0530