

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [ABA] NO. 895/2021.

Sau. Sheela Basant Patel and another.

-VERSUS-

The State of Maharashtra, through P.S. Awadhutwari, Yavatmal.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri Y.Y. Humne, Advocate for Applicants.
Ms. T. Udeshi, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : JANUARY 05, 2022.

Heard.

2. At the instance of report lodged by brother of deceased, a crime came to be registered. It is stated that the deceased lady got married with co-accused Mahendra in the year 2016. Applicant no.1 is sister-in-law of the deceased, whilst applicant no.2 is uncle of husband of the deceased. Soon after marriage, there was matrimonial harassment at the instance of demand. The informant was made known about harassment by

2

the deceased, as and when occasion arise. Finally on 31.10.2021, the deceased lady committed suicide by consuming poison.

3. The State has resisted the application by filing reply-affidavit.

4. Perused case diary. The learned A.P.P. has pointed out that the informant gave his statement and stated that dowry of Rs.5 lakhs was handed over to applicant no.2 Shiyasharan Patel at the time of marriage. Already husband Mahendra is arrested and is in jail. The learned trial Court has granted pre-arrest bail to the mother-in-law of the deceased.

5. Perusal of the report indicates that the allegations against applicants are vague that too of instigating the co-accused to raise monetary demand. The learned counsel for applicants submitted that there is no reasonable nexus or live link between the act of applicants with the suicidal death. The report nowhere speaks as to during what period applicants have instigated the

3

co-accused.

6. It is submitted that applicant no.1 was residing separately in the same area whilst, applicant no.2 is residing in another State. Having regard to the nature of accusation and the secondary role assigned to applicants, their custodial interrogation is not necessary. In view of that following order is passed.

- (i) Criminal Application is allowed and disposed of.
- (ii) In the event of arrest of applicants/accused (1) Sau. Sheela Basant Patel and (2) Shiyasharan Brijbhan Patel in connection with Crime No.1026/2021 registered with the non-applicant Awadhutwadi Police Station, Yavatmal for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, they be released on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- each, with one surety in the like amount.
- (iii) Applicants/accused to attend the concerned Police Station on every Sunday in between 11 a.m. to 2 p.m., till filing of charge sheet or 90 days

4

which ever is earlier.

- (iv) Applicants/accused shall not tamper with the prosecution evidence in any manner.

JUDGE

Rgd.