

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 33 OF 2023

Vijaya @ Neeta w/o Ranjit Kotwale ...Applicant

Versus

The State of Maharashtra & Another ...Respondents

ALONG WITH
ANTICIPATORY BAIL APPLICATION NO. 58 OF 2023

Ranjit Shyamsing Kotwale ...Applicant

Versus

The State of Maharashtra & Another ...Respondent

Mr. S.S. Jadhav, Advocate for applicants.

Mr. V.S. Badakh, APP for respondents.

Mr. S.R. Andhale, Advocate for informant/Assist to PP.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 8th FEBRUARY, 2023

ORDER :

1. The applicants apprehend arrest in Crime No. 450 of 2022, registered with Pishor Police Station, Aurangabad, for offences punishable under sections 306, 304-B, 498-A, 504 read with 34 of the Indian Penal Code and under sections 3 and 4 of Dowry Prohibition Act.

2. FIR is lodged by Arjun Kholwal contending that his younger sister Seema's marriage was performed with Pradip

Kotwale, resident of Balkheda, Taluka- Kannad, District- Aurangabad. In the marriage, 4 Tola gold was given as dowry. Initially, for three months Seema was treated well. Thereafter, her mother-in-law and wife of brother-in-law started ill treating her saying that she cannot cook properly and her parents have not given dowry and proper gifts in the marriage. Seema used to tell these facts whenever she used to visit maternal home. On 19.12.2022, he went to Ganeshpur to fetch Seema. After reaching maternal home Seema started crying and told them that her father-in-law, husband, mother-in-law, brother-in-law and his wife are ill treating her and asking her to bring Rs. 2,00,000/- from her maternal home for purchasing tractor. On 25.12.2022, Pradip Kotwale called him and informed that his sister has taken poisonous substance and she is admitted in the Civil hospital. When Seema was being taken to Civil Hospital, Aurangabad, she expired. He therefore, alleged that applicants and in-laws of Seema have abetted her suicide.

3. Heard the learned advocate for the applicants, learned Additional Public Prosecutor for respondents and learned advocate for informant. Perused the investigation papers.

4. In the FIR vague and general allegations are levelled against the applicants that they used to ill treat Seema. FIR is lodged on 26.12.2022 and supplementary statement of informant is recorded on 04.01.2023, wherein he has alleged that Seema was vegetarian, however, her in-laws forced her to cook non-veg food and since she could not properly prepare it, applicants and her brother-in-law forced her to eat non-veg dish. Once, Seema had prepared curry in which there was excess salt, therefore, applicant- Neeta forced her to drink that curry.

5. Perusal of investigation papers do not reveal any active role played by the applicants in the alleged offence. Applicants were granted interim protection and directed to attend the concerned police station. They have attended the police station and have co-operated in the investigation. Nothing is to be recovered from the applicants. Pre-trial custodial detention of the applicants in the facts of the present case is not necessary.

6. In the result, applications are allowed.

7. In the event of arrest of applicants in connection with Crime No. 450 of 2022, registered with Pishor Police Station, Aurangabad, for offences punishable under sections 306, 304-B, 498-A, 504 read with 34 of the Indian Penal Code and under sections 3 and 4 of Dowry Prohibition Act, applicants shall be released on executing personal bond of Rs. 15,000/- each with one surety each in the like amount.

8. Till filing of charge sheet, applicants shall attend the concerned police station as and when called by the investigation officer and shall co-operate in the investigation. The applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]