

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 291 OF 2023

Vaishali Nikhil Jarwal

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

**WITH
ANTICIPATORY BAIL APPLICATION NO. 292 OF 2023**

1. Rajaram Mahajan Naglot

2. Devaka Rajaram Naglot

..APPLICANTS

VERSUS

State of Maharashtra and Another

..RESPONDENTS

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Mr. V.D. Sapkal, Senior Advocate i/b Mr. R.V. Gore, Advocate for applicants

Mr. K.N. Lokhande, A.P.P. for respondent no.1 – State

Mr. P.M. Nagargoje, Advocate for intervener

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CORAM : R.G. AVACHAT, J.

DATE : 24th APRIL, 2023

PER COURT :

1. Both these applications under Section 438 of Code of Criminal Procedure are being decided by this common order since the applicants therein claim to have apprehension of being arrested in connection with Crime No. 47 of 2023 registered with Pundliknagar Police Station, Dist. Aurangabad for the offences punishable under Sections 306, 498-A, 323 and 504 read with Section 34 of the Indian Penal Code ('I.P.C.') and under Sections 3 and 4 of Dowry Prohibition Act.

2. Heard. Perused First Information Report ('F.I.R.') and related police papers.

3. F.I.R. has been lodged by father of the deceased – Varsha on 04th February, 2023. Averments in the F.I.R. are that deceased – Varsha was in love with Deepak (co-accused). Both of them, therefore, got married. Deepak was unemployed. He would take some small contracts. Deceased – Varsha was a Diploma Engineer. Since both of them belong to same caste, the informant later on approved their marriage. The applicants, in laws of the deceased, were however opposed to the said marriage. The applicants put up certain conditions for their marriage. Again both, Deepak and the deceased – Varsha got married in a celebratory form. Varsha was treated well for about six months of the marriage. Applicants (ABA/292/23) are the parents-in-law of the deceased – Varsha. Applicant – Vaishali (ABA/291/23) is her sister-in-law.

4. It is further alleged in the F.I.R. that the applicants and Deepak started ill-treating Varsha for one or the other reason. They started her teasing and starving as well. They asked her to fetch money from her parents. In 2013 itself the informant paid Deepak and his parents a sum of Rs.5 lakhs and requested them not to ill-treat Varsha. He assured them to

pay her balance amount. Meanwhile, Varsha was blessed with a baby boy – Satyam. Thereafter informant again paid Deepak and his parents a sum of Rs.2 lakhs. Ill-treatment of Varsha thereafter ceased.

5. It is further alleged that in 2022, Deepak and the applicants again started ill-treatment to deceased – Varsha. Deepak had developed extra-marital relationship. The applicants used to support Deepak in his such relationship. For maintaining such relationship, Deepak required money. He was under impression that his demands of money would be met if he ill-treated Varsha. He had also asked Varsha to fetch money from her parents under the pretext of purchasing a plot. A sum of Rs.4,80,000/- was, therefore, deposited in the account of applicant – Vaishali. A sum of Rs.2,80,000/- was also deposited in Varsha's account by her brother – Pradeep. As such, total sum of Rs.12,60,000/- was paid to the husband and in-laws of deceased – Varsha. Ill-treatment still continued. Varsha again conceived. On 17th January, 2023 there was birthday celebration of the informant's son – Pradeep. Varsha and Deepak had attended the same. Deepak left the birthday celebration midway taking Varsha along. Varsha was informing the informant and her brother – Deepak about the demand of money. She requested them to satisfy the demand. She had even related them that if the demand was not met, she may be required to end her life. Varsha committed suicide by hanging on 03rd February, 2023. Just two days

before she committed suicide, she informed her mother on cell phone about ill-treatment to have become unbearable.

6. Learned counsel for the informant would submit that it is a serious offence. Varsha was pregnant. Unless ill-treatment became unbearable, she would not have even thought of ending her life. Entries in the bank account statement have been relied on to indicate a sum of little over Rs.6,50,000/- was deposited in the account of Vaishali. A receipt of purchase of gold ornaments given in the marriage of deceased – Varsha have also been relied on. The applicants are influential persons. It was submitted that the applicant – Rajaram had threatened the informant of dire consequences. When he was expected to report at the concerned police station in the afternoon, is not known as to why he was there in the evening. The informant had to visit the police station. Applicant – Rajaram picked up quarrel with him just outside the police station. It was also submitted that applicant – Rajaram and his son Deepak were brought to the police station. Rajaram fled from the custody of police. Investigating officer has, therefore, been replaced.

7. Relying on the judgment of the Apex Court in case of ***XYZ Vs. Arun Kumar C.K. & Anr., MANU/SC/1671/2022***, it was submitted that mere fact that no custodial interrogation is required is not a ground for grant of

anticipatory bail. Apex Court judgment in case of *Dr. Naresh Kumar Mangla Vs. Anita Agarwal and Ors. AIR 2021 SC 277*, is also relied on to indicate that based on similar facts, anticipatory bail granted to the accused therein was cancelled. Learned counsel for the informant then relied on statements of the relations of the deceased and even some of the neighbours. According to him, ill-treatment to the deceased is an indoor affair. Neighbours were not expected to be in the know of it. Statement of a lady, who was said to have been in relationship with Deepak, was also adverted to suggest that the applicants and Deepak were all responsible for driving Varsha to commit suicide.

8. Learned A.P.P. would submit that custody of the applicants, in the facts and circumstances of the case, is warranted.

9. Considered the submissions advanced. Learned counsel for the applicants was right in submitting that it was a love marriage of Deepak with deceased – Varsha. Informant and Deepak’s family members were opposed to the said marriage. Since both families belong to same caste, parents of Deepak again performed Deepak’s marriage with Varsha with fanfare, only with a view to have social approval thereto. The record indicates that parents-in-law of the deceased are financially sound. They purchased the agricultural land for Rs.1,40,00,000/- in the recent past. True, it is not that

rich persons are not greedy. It is also true that there is material to indicate a sum of Rs.6,50,000/- to have been paid to applicant – Vaishali by the informant. The applicants admit the receipt of the amount. It is their case that it was nothing but a hand loan. It is their case that it was for the purchase of a plot as the applicants were short of some funds. Marriage of Deepak with Varsha dates back to the year 2012. She was diploma holder then. Post marriage, her in-laws permitted her to pursue further education. She earned masters in engineering. She secured a job as Lecturer and was doing the same. The same suggests in-laws of the deceased to have had given her freedom.

10. Admittedly Deepak, husband of the deceased, developed extra-marital relationship. Text messages between Deepak, deceased Varsha and even that lady have been placed on record to suggest that just two days before Varsha committed suicide, she had met that lady. Both of them had decided to sit together with Deepak and sort out the issue. Both of them met. Deepak, however did not turn up. Exchange of messages between the deceased and her husband – Deepak indicate that the deceased was worried of her matrimonial life in view of Deepak to have extra-marital relationship. Exchange of messages indicate deceased – Varsha was thinking of committing suicide. The reason is obvious, Deepak's extra-marital relationship.

11. Two of the present applicants are women. Applicant – Vaishali has delivered a baby in recent past. Both, Vaishali and her mother (mother-in-law of the deceased) are granted interim anticipatory bail on the ground of being women. The deceased was well educated. She did not leave behind any suicide note. The nature of evidence is oral one. On investigation of the crime, charge-sheet has been filed against husband – Deepak and all the applicants herein. Deepak (co-accused), husband of deceased – Varsha, is arrested. Thus, no custodial interrogation of applicant – Rajaram is warranted. The applicants have already been protected.

12. In the result, applications are allowed. Orders dated 03rd March, 2023, granting the applicants interim anticipatory bail, are hereby made absolute. The applicants shall appear before the investigating officer, as and when required for the investigating purpose. The applicants shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

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