

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

940 ANTICIPATORY BAIL APPLICATION NO.259 OF 2023

Dipali w/o Nilesh Kolhe,
Age; 30 years, Occ; Household,
R/o; Dolewadi, Rajuri,
Tq. Jamkhed, Dist. Ahmednagar.

...Applicant

VERSUS

1. The State of Maharashtra,
Through Jamkhed Police Station,
District Ahmednagar.

2. Superintendent of Police,
Ahmednagar.

...Respondents.

...

Advocate for Applicant : Ms. Vaishnavi Podwale h/f Mr.Ghanekar
Nilesh S. and Mr.Bhosale Aniket Deepak
APP for Respondents-State : Ms.R.P.Gaur

...

WITH

APPLN/883/2023 IN ABA/259/2023

Ankush s/o Tukaram Sagale
Age; 50 years, Occ; Agri,
R/o; Sagale Wadi, Tq. Patoda,
Dist. Beed.

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Jamkhed Police Station,
Tq. Jamkhed, Dist. Ahmednagar.

2. Dipali w/o Nilesh Kolhe,

Age; Major, Occ, Household,
R/o; Jakmhed, Tq. Jamkhed,
Dist. Ahmednagar.

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Advocate for the Applicant : Mr. N.R. Thorat,
APP for the Respondent-State : Ms. R.P.Gaur.
Advocate for Respondent No. 2 : Ms. Vaishnavi Podwale h/f
Mr.Ghanekar Nilesh S.

...
CORAM : R. G. AVACHAT, J.

DATE : 09.03.2023.

PER COURT :

1. Criminal Application No. 883 of 2023 in A.B.A. No. 259 of 2023 is allowed. The original informant is permitted to assist the learned APP.

2. Heard.

3. The First Information Report ("FIR") has been lodged by the father of the deceased. The gist of the allegations in the FIR is that the deceased Pratiksha married Vijay on 05.02.2020. The applicant herein is the married sister-in-law of the deceased Pratiksha. The applicant's matrimonial home is in the same village. It has further been alleged that the in-laws of the deceased used to instigate her husband to ill treat her for one and other reasons. She was also ill treated so as to coerce her to fetch money from her parents. Since the ill-treatment became unbearable, the deceased

committed suicide by hanging herself on 01.02.2023.

4. The learned APP submits that there are statements of sister, brother and other relations of the deceased. These statements reinforce the allegations made in the FIR. The learned APP was specific to submit that, had the applicant and others would have been falsely implicated, the informant would not have spared the husband of the applicant.

5. The learned counsel for the intervener submits that, the house where in the deceased committed suicide was broke open so as to cause disappearance of the evidence, if any. According to him, the averments in the FIR make out the offence punishable under Section 306 of the Indian Penal Code ("I.P.C."). He, therefore, urged for rejection of the application.

6. Considered the submissions advanced.

7. It is unfortunate that the deceased committed suicide within three years of her marriage. Her husband, brother-in-law, mother-in-law were arrested. The mother-in-law has been granted bail. Admittedly, the deceased did not leave behind a suicide note. As such, the allegations about the ill treatment are in the nature of oral

evidence. The applicant is the married sister-in-law of the deceased. Even, we accept the allegations in the FIR to be true, what has been attributed against her is that she used to visit her parental home and ill treat her. That may be sufficient for the offence punishable under Section 498-A of the I.P.C. There is nothing in the police statements to indicate, soon before the deceased committed suicide, the applicant had been to her parental home and ill-treated the deceased with an intention to drive her to commit suicide. The applicant is a woman. Since the evidence is oral in nature, her custodial interrogation is not warranted. In view of the same, the Court is inclined to allow the application. Hence the order :

ORDER

- (i) The application is allowed.
- (ii) The order granting ad-interim anticipatory bail dated 23.02.2023, is hereby made absolute.
- (iii) The applicant shall appear before the investigating officer as and when required by the Investigating officer.
- (iv) The applicant shall not tamper with the prosecution evidence.

(R. G. AVACHAT)
JUDGE

mahajansb/