

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

ANTICIPATORY BAIL APPLICATION NO.1588 OF 2023

1. SAYANKABAI BHAGWAN PATIL
2. SUREKHA BALASAHEB PATIL
3. BABALSAHEB SURYAKANT PATIL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. V. S. Patil

APP for Respondents: Mr. S. W. Munde

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CORAM : R.M. JOSHI, J

DATE : OCTOBER 16, 2023

PER COURT :

1. Heard. Issue notice to the Respondents, returnable forthwith. Learned APP waives service of notice on behalf of Respondents. By consent of both sides, heard finally.

2. Applicants apprehend arrest in connection with with C.R. No. 258 of 2023 registered with Dondaicha Police Station, Dist. Dhule for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code.

3. First informant is the father of the deceased Madhuri, who was married to Sanjay. It is alleged in the report that after marriage, husband and in-laws

used to cause harassment to the deceased by raising demand of dowry of Rs. 35,000/- for purchase of vehicle. It is further alleged that on 15.10.2022 informant received message that husband and in-laws were bearing her and threatening her to kill. In respect of incident of 16.10.2022 it is stated that informant received phone call intimating that husband of deceased was assaulting her. At about 08.00 pm when he came to matrimonial home of deceased, deceased was found dead.

4. Learned Counsel for the Applicants submits that even if the allegations in the complaint made before the Magistrate are accepted, then also no offence can be said to have been committed by the Applicants who are in-laws of deceased except her husband. It is submitted that the said allegations are only against husband.

5. Learned APP opposed the application by submitting that the complaint as well as the statements of witnesses indicates that the deceased was harassed by in-laws for demand of dowry. She was also assaulted by them. It is submitted that the final cause of death

in report is death by hanging. It is his further submission that the allegations against present Applicants are of causing harassment to the married women who has died in the suspicion circumstances, hence, it is not fit case for grant of anticipatory bail.

6. The deceased died on 16.10.2022 whereas complaint was made to the Magistrate under Section 156(3) of Cr.P.C seeking direction for registration of crime and investigation thereof on 17.07.2023. Thus, there is inordinate delay in lodging of the said complaint. Apart from this, *prima facie* perusal of the complaint though indicates that the deceased was harassed by her in-laws, however, there are no allegations against the present Applicant that they are directly responsible for the death of deceased. In fact, the complaint indicates that her husband is responsible for the same. Thus, at this stage it is doubtful as to whether the offence punishable under Sections 302 or 306 of IPC is made out. Suffice it to say that *prima facie* there is no evidence showing direct nexus of the Applicants to the death of

deceased. As far as the allegation of demand of dowry and harassment of the deceased is concerned, the custodial interrogation of the Applicants is not necessary.

7. Having regard to these facts, though the offence alleged against present Applicants is punishable under Section 302 of IPC, Applicants have made out case for grant of anticipatory bail. There are no criminal antecedents against Applicants and they are not likely to flee from justice.

8. In view of above, application is allowed.
Hence, the order:

O R D E R

- (i) In the event of arrest of the Applicants in connection with with C.R. No. 258 of 2023 registered with Dondaicha Police Station, Dist. Dhule for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one surety in the like amount.
- (ii) They shall attend the concerned police station as and when required till filing of the charge-sheet.
- (iii) They shall not contact the witnesses directly

or indirectly.

- (iv) They shall not interfere with the evidence in any manner whatsoever.
- (v) They are further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani