

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 859 OF 2023

Bhagirathi @ Baydabai Devidas Nagane ..Applicant

v/s.

The State of Maharashtra . ..Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 861 OF 2023**

Devidas Nagane ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Tushar Sonawane a/w. Ms. Pooja Satpute for the Applicant.

Mrs. S.S.Kaushik, APP for the State.

Mr. V.M.Kshirsagar from Sangola Police Stn., present.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 23rd MARCH, 2023.**

P.C.

1. Anticipatory Bail Application No.861 of 2023 is not on board.

Upon being mentioned, taken on board along with Anticipatory Bail Application No. 859 of 2023.

2. By these applications under Section 438 Cr.P.C. the aforesaid Applicants have sought pre-arrest bail, apprehending their arrest in C.R.No.73 of 2023 registered with Pandharpur Rural Police Station, Pandharpur, Taluka Solapur for offences under Section 306, 323, 498-A,

504 r/w. 34 of the Indian Penal Code.

3. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

4. The records prima facie indicate that the marriage of Sheetal, sister of the first informant Ganesh Pralhad Asabe, and Navnath Devidas Nagane- son of the Applicants herein, was solemnized on 15.04.2012. Said Sheetal committed suicide at her matrimonial home on 19.02.2023. The first informant lodged the FIR alleging that his sister was treated well for about three years from the date of the marriage and thereafter her husband would assault her. He has stated that the Applicant Devidas, father-in-law of the deceased would complain that his sister did not know to cook. Both these applicants would not allow her to go out and/or to talk to any other person. The first informant has stated that about two years prior to the incident, when his sister Sheetal had come and they had noticed injuries on her forehead and face. She had told them that her husband had assaulted her at the instance of these Applicants. The matter was resolved with the intervention of the elders and neighbors, and the deceased was sent to her matrimonial home on assurance given by her husband and the Applicants that they would treat her well.

5. The first informant has stated that on 27.07.2022 the deceased and her husband Navnath had attended his marriage. The husband of the deceased had refused to accept the clothes as a gift and had demanded two tolas of gold. He left the wedding hall when they expressed their inability to give him gold due to their poverty. The deceased went to her matrimonial home about five to six days thereafter. It is alleged that Navnath had assaulted Sheetal for not bringing gold. The first informant has stated that his sister had asked the Applicants herein to give her one acre of paddy field, and that she would maintain herself and her children by growing crops in the said field. He states that the Applicant refused to give her the land and hence his sister Sheetal Committed suicide on 19.02.2023.

6. A perusal of the FIR prima facie reveals that the allegations of physical and mental torture are essentially against the husband of the deceased. The only omnibus allegation against the applicants are that they had instigated the husband of the deceased to assault her. The incident of assault was in July 2022, whereas Sheetal had committed suicide in February, 2023. The allegations against the Applicant do not prima facie constitute abetment within the meaning of Section 107 of the Indian Penal Code.

7. Considering the nature of accusation leveled against the Applicants, in my considered view this would be a fit case for grant of pre-arrest bail. Hence the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicants in Crime No.73 of 2023 registered with Pandharpur Rural Police Station, Pandharpur, Taluka Solapur, the Applicants be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two sureties in the like amount;

(ii) The Applicants shall report to the Investigating Officer on 27th and 28th March, 2023 between 11.00 a.m. to 2.00 p.m. for the purpose of investigation and interrogation.

(iii) The Applicants shall keep the Investigating Officer informed of their current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicants shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)