

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

ANTICIPATORY BAIL APPLICATION NO. 940 OF 2023

Vaishali Ankush Salunkhe

Age : 45 Years, Occu. : Household,

Residing at : Jaradwadi, Tal. : Baramati,

District : Pune.

...Applicant

vs.

State of Maharashtra

[At the instance of Phaltan Police Station

Vide C.R.No.516 of 2022]

...Respondent

Mr.Rahul S. Kate – Advocate for Applicant.

Mr.A.R.Kapadnis – APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 31st MARCH, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.

2. The present FIR at C.R. No. 516 of 2022 is an outcome of matrimonial dispute. However, the dispute no more remains to be a simple dispute but it has taken the shape of taking the criminal law into their own hands and that is why, on the complaint of First-

Informant – Vaishanavi, an FIR came to be lodged for offence punishable under Sections 498-A, 406, 313, 354, 323, 504, 506 read with 34 of Indian Penal Code, 1860 [“IPC”]. It is registered on 14th November, 2022 with Phaltan Police Station.

3. She was driven out of matrimonial house in the month of June-2022 in a planned manner. First, the husband left the house without telling anyone and thereafter, Accused Nos. 2 and 3 – in laws, drove her out of the matrimonial house. There was a love marriage in between the First-Informant and the Accused No.1. The family members of Accused No.1 does not like her and they used to abuse her and ill-treat her.

4. She was pregnant on two occasions. The pregnancy was terminated through doctors on first occasion. Whereas, on second occasion, it got terminated due to the beating given by Accused No.1. Initially, she lodged police complaint on 10th August, 2021 with Phaltan Police Station. During enquiry, the Police have called the Accused persons. They were annoyed and hence, they threatened the parents of the First-Informant on 25th September, 2022. N.C. is registered against the husband and brother in law. This FIR came to be registered as per the direction given by the learned Magistrate

under Section 156(3) of the Code of Criminal Procedure, 1973 [“Cr.PC.”].

5. Present Applicant is mother in law. Her Anticipatory Bail Application was rejected by the Sessions Court – Satara and predominantly, the reason is offence under Section 313 of IPC is a serious offence punishable with life imprisonment and also for the reason that shridhan is to be recovered. So far as the areas of investigation observed in the order are correct, but we have to see what is the involvement of the present Applicant. There is no specific allegation against this Applicant that she was instrumental in termination of that pregnancy. There is only one allegation that the Applicant used to give hard work involving a labour after the termination of the first pregnancy.

6. However, it is submitted on behalf of learned APP that they have collected papers from Mamta Hospital and it shows that this termination was with consent. So far as the second termination is concerned, there are no allegations against the present Applicant except as mentioned above. There is no allegation that shridhan articles were kept in the custody of this Applicant. Hence, she can be granted anticipatory bail. Hence, order :-

ORDER

- (i) Application is allowed.
 - (ii) In case of arrest in connection with C.R.No. 516 of 1420/22 registered with Phaltan City Police Station, under Sections 498-A, 406, 313, 354, 323, 504, 506 read with 34 of IPC, 1860, the Applicant be released on furnishing Personal Bond and Surety Bond of Rs.25,000/-.
 - (iii) She is directed to cooperate the Police as and when required and not to threaten the Prosecution witnesses or allure them in any manner.
7. It is made clear that the observations made herein are prima facie and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.
8. Application is disposed of in the aforesaid terms.
9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]