

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

ANTICIPATORY BAIL APPLICATION NO. 1424 OF 2023

Shital Dnyaneshwar Latke	... Applicant
V/S.	
State Of Maharashtra	... Respondents

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Mr. Shripad P. Hushing for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

Mr. Nikhil Gopale (PC) i/b. Mr. Deepak Jadhav (PSI) present.

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CORAM : RAJESH S. PATIL J.

DATED : 12th MAY, 2023

PC.:

1. This bail application is filed under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.PC) by the Applicant who is married lady and mother of two years old child, residing at Kolwadi Gavthan, Taluka-Haweli, District-Pune.

2. The neighbor of the applicant one Shahin Shaukat Attar on 31st March 2023 consumed poisoning and died at around 10.45 on 2nd April 2023. An F.I.R. was lodged on 3rd April 2023

under Section 306 and 34 of the Indian Penal Code, 1860 ('IPC') against the accused No.1 (husband of the present Applicant) and the Applicant.

3. The Applicant states that the husband of the Applicant is behind bar. The Applicant case is that the whole F.I.R. is transpired against the Accused No.1 and specific allegations are only against the Accused No.1, and he is already been arrested in the present crime. It is further case of the Applicant that there were family disputes between the deceased and her husband (Complainant) and they were not in good terms and even on the day of the unfortunately incident, there were quarrel between the Complainant and the Deceased at early morning. So also it is added by the Applicant that the Complainant who is husband of the deceased is an addict of liquor and due to which he is to have fights with his wife.

4. The Applicant further states that deceased was in utter depression and frustrated due to daily quarrels with her husband and even on the unfortunate day in the morning there were quarrel between the deceased and her husband and In fact,

the deceased told the Complainant that she will harm herself if the complainant did not stop drinking and abusing her. The Applicant states that there is no specific allegations against the Applicant in the F.I.R. and the Applicant having not even called by the police for investigation, the present Anticipatory Bail Application should be allowed. The Applicant states that there is a delay of more than 24 hours in lodging the F.I.R. The Applicant states that no statements were recorded of the deceased. The Applicant states that taking into consideration over all situation no purpose be solved by taking custodian interrogation of the Applicant. The Applicant is ready and willing to co-operate with the Investigating Officer as and when she is called for recording for statement.

5. The APP states that the applicant is a young lady having a son of two years old. She further states that the Investigating Officer has not called the Applicant until now for any kind of investigation because at that relevant time she was not found at the address. In any case, she states that the main Accused has already been arrested, i.e., husband of the Applicant. She states that stringent condition should be put on the applicant in case of granting of Bail. The APP states that the custodian interrogation of the Applicant of as of now will not be necessary but she states that

the applicant should co-operate with the Investigating Officer.

6, According to me, *prima facie* case is made out by the Applicant to be released on bail on the following condition :-

(a) The Applicant is ordered to be released on bail on furnishing bail bonds in the sum of Rs.15,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the concerned Investigating Officer, when the need arises according to Investigating

(c) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(d) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

(e) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

7. Bail Application stands disposed of in above terms. Interim Application stands disposed of in view of disposal of Bail Application.

(RAJESH S. PATIL, J.)