

Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 1676 OF 2023

Mina alias R. S. Digambar Kale and ...Applicants
Others

Versus

The State of Maharashtra ...Respondent

Mr. Prashant H., for Applicant.

Mrs. Ashwini A. Takalkar, APP for State.

Mr. S. R. Supekar, PC/2745, Yavat Police Station, Pune.

CORAM:- N. J. JAMADAR, J.

DATED:- 12th OCTOBER, 2023

PC:-

1) Heard the learned Counsel for the applicants and the learned APP for the State.

2) This is an application for pre-arrest bail in connection with C.R. No. 988 of 2021, registered with Yavat police station, Pune Rural, for the offences punishable under Sections 498A, 304-B, 306, 323, 504 and 506 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3) The applicant No. 1 is the mother and applicant No. 2 is the sister of Sharad, with whom the marriage of the daughter of the first informant was solemnised. After about one year of the said marriage the daughter of the first informant died by suicide on 12th November, 2021. The first informant alleged that the husband of the deceased, the applicants and other relatives of the husband of the deceased, subjected the deceased to harassment in order to coerce her to meet an unlawful demand of Rs.30,000/-. The first informant alleged that on account of the ill-treatment meted out to the deceased to meet the demand of dowry, she died by suicide.

4) By an order dated 20th June, 2023, this Court was persuaded to grant interim bail.

5) The learned APP informed the Court that pursuant to the directions of the Court, the applicants have appeared before the Investigating Officer.

6) The learned Counsel for the applicants submitted that the co-accused, who are similarly circumstanced, namely Aargil Kale and Vaishali Kale, the brother-in-law and sister-in-law of the deceased, were released on pre-arrest bail by the Court of Session. The husband of the deceased was arrested and has

since been released on bail. It was submitted that omnibus allegations are made against all the accused. In fact, the applicants were residing separately from the deceased and her husband.

7) The learned APP resisted the application for pre-arrest bail.

8) Prima facie, there is material to indicate that the applicants were residing separately from the deceased and her husband, albeit at a close distance. The learned Sessions Judge also adverted to the said fact while releasing the co-accused on pre-arrest bail.

9) From the perusal of the allegations in the FIR, it becomes evident that the allegations of demand of dowry and consequent harassment have been made against all the accused. Prima facie there does not appear qualitative difference between the role attributed to Aargil Kale and Vaishali Kale and that of the applicants.

10) Moreover, it seems, the investigation is complete for in all intent and purpose. Charge sheet has been lodged against the accused who came to be arrested. At this length of time, to facilitate further investigation, the custodial interrogation of the applicants does not seem warranted.

11) I am, therefore, persuaded to make the order of interim bail absolute.

12) The order of interim bail dated 20th June, 2023 is made absolute on the terms and conditions incorporated therein.

13) The applicants shall henceforth appear before the Investigating Officer as and when directed.

14) The applicants shall regularly attend the proceedings before the jurisdictional Court.

15) The application stands disposed.

[N. J. JAMADAR, J.]