

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

ANTICIPATORY BAIL APPLICATION NO.2190 OF 2023

Vaishali Vitthal Balshankar @
Vaishali Chandrakant Survase

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Ritesh Thobde with Mr. Changdev Shingade for the Applicant.

Mr. S.H. Yadav, APP for the Respondent -State.

Mr. Suresh Kale, Police Constable, Akkalkot (north) police station,
present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 4th AUGUST, 2023.

P. C. :-

1. The Applicant apprehends her arrest in C.R. No.303 of 2023 registered with Akkalkot Police Station, Solapur (rural), for the offences punishable under Section 306 r/w 34 of the IPC.

2. Heard Mr. Ritesh Thobde, learned counsel for the Applicant and Mr. S.H. Yadav, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The Applicant herein is the wife of the deceased Vitthal. Their marriage was solemnized in the year 2020. Said Vitthal committed suicide on 26/04/2023. Initially the case was registered as accidental death. About a month after the incident, father of the deceased lodged the FIR alleging that the Applicant used to fight with the deceased constantly. She would talk on the phone continuously and would tell her husband that she did not want to continue with the marital ties. The allegations in the FIR even if accepted in their entirety, would not prima facie constitute 'abetment' within the meaning of Section 107 of the IPC.

4. Considering the nature of the accusations, in my considered view this is a fit case to exercise discretion under Section 438 of the Cr.P.C. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime C.R.

No.303 of 2023 registered with Akkalkot Police Station, Solapur (rural), she is ordered to be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount.

- (ii) The Applicant shall report to the concerned Investigating Officer for a period of two days i.e. on 07/08/2023 and 08/08/2023 between 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer for the purpose of investigation;
 - (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
 - (iv) The Applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.
5. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)