

AGK

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

ANTICIPATORY BAIL APPLICATION NO.2333 OF 2023

ATUL
GANESH
KULKARNI

Digitally signed by
ATUL GANESH
KULKARNI
Date: 2023.08.19
17:34:07 +0530

Sonali Sunil Alias Sonu Kapadnis & Ors. ... Applicants

V/s.

The State of Maharashtra ... Respondent

Mr. Shailesh Kharat for the applicants.

Ms. Rutuja Ambekar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 19, 2023

PC.:

1. Apprehending arrest in connection with C.R. No.320 of 2023 registered with Jaikheda Police Station, Taluka Satana, District Nashik for offences punishable under Sections 306, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, the applicants are seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. Informant Daga Tukaram Patil is the father of deceased Lalita. She was married to accused No.1 Dnyaneshwar on 9 March 2009. She begotten one daughter and one son in this wedlock. Applicant No.1 Minabai is the mother-in-law of the deceased, where as applicant No.2 Sonali is the wife of brother of accused No.1. After the marriage, the deceased went to the house of the accused for cohabitation. At that time, they all were residing

jointly. It is alleged that accused persons used to ill-treat the deceased for various reasons. Ultimately, on 25 July 2023 at about 6.30 p.m., Lalita committed suicide by jumping into the well due to harassment caused by the accused persons. Accordingly, first information report came to be lodged.

3. Applicant No.1 is sister-in-law and applicant No.2 is mother-in-law of the deceased. The husband and brother-in-law have already been arrested.

4. Learned Sessions Judge by order dated 8 August 2023 rejected the application filed by the applicants under Section 438 of the Criminal Procedure Code, 1973. The applicants, therefore, filed present anticipatory bail application.

5. On perusal of the report and case diary, it appears that the details of physical and mental harassment has not been stated in the report. The witnesses have also not stated details of acts allegedly committed by the applicants which prompted the deceased to commit suicide. Therefore, custodial interrogation of the applicants is not necessary. Hence, following order:

- a) The anticipatory bail application is allowed;
- b) In the event of arrest of the applicants in connection with C.R. No.320 of 2023 registered with Jaikheda Police Station, Taluka Satana, District Nashik for offences punishable under Sections 306, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, they be released on bail on furnishing P.R. Bond in the amount of Rs.15,000/- each with one or two sureties in the like

amount;

c) The applicants shall remain present before the investigating officer on 21, 23 and 25 August 2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called by the concerned investigating officer;

d) The applicants shall cooperate with the investigation and make themselves available for interrogation whenever required;

e) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

f) The applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

g) The applicants shall, at the time of execution of the bond, furnish their address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

6. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)