

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

ANTICIPATORY BAIL APPLICATION NO. 3514 OF 2023

1. Ram Pema Jadhav	
2. Vijabai Ram Jadhav	
3. Vitthal Ram Jadhav	
4. Supriya @ Shirpriya Vitthal Jadhav	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Vikrant Phatate, for the Applicants.
Mr. S. H. Yadav, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.
DATED: 14th DECEMBER, 2023

OEDER:-

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 CR No.768 of 2023, registered with Mohol Police Station, Solapur Rural, for the offences punishable under Sections 306 and 498-A read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. Vaishnavi (the deceased) was the daughter of the first informant. Her marriage was solemnized with Nilkanth; accused No.1, the son of applicant Nos.1 and 2 and brother of

applicant No.3 and brother-in-law of applicant No.4, in the year 2020. After about an year of the marriage, the first informant alleged Nilkanth started to harass the deceased in order to coerce her to meet unlawful demand of money to start grocery store and purchase agricultural land. Prior to 10 days of the occurrence, the deceased, her husband and applicants had shifted to a grape orchard at village Patkul, Taluka Mohol. On 14th October, 2023 at about 8.00 pm. the deceased had called her father and informed him that her house had caught fire and he should come and fetch her. On the next day, at about 11.00 am. the husband of the deceased informed that the deceased fell in the well. The first informant and her family members visited the field. The deceased had apparently died by drowning.

4. The learned Counsel for the applicants submitted that there is no allegation of cruelty or abetment of suicide against the applicants. The allegation of harassment in order to coerce the deceased to meet the unlawful demand is against Nilkanth.

5. The learned APP resisted the application.

6. I have perused the postmortem report. It indicates that Autopsy Surgeon opined that the deceased died due to

drowning. The Medical Officer had noted only one abrasion on his stomach. *Prima facie*, the allegations in the FIR do not indicate that the role of having subjected the deceased to harassment, matrimonial cruelty or abetted the deceased to commit suicide, can be attributed to any of the applicants. Primarily and singularly the allegations of harassment and ill-treatment are against the husband of the deceased.

7. In the aforesaid view of the matter, I am persuaded to exercise the discretion in favour of the applicants.

8. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicants in CR No.768 of 2023, registered with Mohol Police Station, Solapur Rural, the applicants be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, each.
- (ii) The applicants shall cooperate with the investigation and attend Mohol Police Station on 26th and 27th December, 2023 in between 10.00 am. to 1.00 pm. and, thereafter, as and when directed.

- (iii) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.
- (iv) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]