



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 2057 OF 2023

JAMUNA @ SINDHU SACHIN RATHOD
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Murlidhar S. Karad, Advocate for Applicant
Mr. S.B. Jadhav, APP for Respondent/State
Mr. Kunal Yadav, Advocate for Informant

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 04th MARCH, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.458/2023, registered with Partur Police Station, Jalna, for offence punishable under Sections 306 and 504 of the Indian Penal Code.

2. FIR is lodged by Sandeep Ramchandra Rathod, brother-in-law of applicant, in short alleging that marriage of his brother Sachin was solemnized with applicant on 11/05/2014. They are having two sons aged 7 years and 4 years from said wedlock. Applicant used to quarrel with her in-laws and Sachin on account of residing separately. Therefore, since year 2017 applicant and Sachin were residing separately. Due to the dispute between applicant and deceased Sachin, their children used to reside with informant. On 08/10/2023 deceased Sachin told informant that applicant always used to tell him that she does not like him. On 11/10/2023, informant brought cake on the occasion of birthday of Sachin. He

went towards the house of Sachin. At that time, applicant was abusing to Sachin. Informant pacified her. Applicant threw the cake outside. Even she drove sister Asha Rathod out of the house at 09:30 p.m. Then, at about 11:30 to 12:00 p.m. applicant was shouting loudly. She knocked door of informant. When informant and others went into the house, Sachin was lying on the ground. All household articles were in scattered condition. One *saree* was hanging over the fan. Sachin was taken to doctor by motorcycle from where he was referred for Civil Hospital Jalna, but Sachin was taken to Vighnaharta Hospital, where doctor referred him to Civil Hospital. Then Sachin was taken to Dhoot Hospital and doctor declared him as dead.

3. Heard learned APP for respondent/State, learned advocate for applicant and learned advocate for informant. Perused the investigation papers.

4. Applicant is having two sons Devansh and Shivansh from the wedlock. It is the case of applicant that ancestral agricultural land owned by informant and her deceased husband was sold and deceased Sachin was insisting for payment of the consideration amount received, which informant was not giving and therefore, deceased committed suicide. To avoid said payment applicant is falsely implicated in present crime.

5. Learned APP, on the other hand, submitted that in supplementary statement of informant he has stated that on 05/11/2023 cellphone of applicant was found in switched off condition. When the same was switched on, there were some obscene photos and messages of applicant, because of which his brother has committed suicide.

6. Offence is registered on 01/11/2023. Supplementary statement of informant is recorded after 24 days of registration of crime, wherein he has stated that he found the cell phone on 05/11/2023. Why he has not approached police immediately is not explained by him. *Prima facie*, ingredients of Section 107 are not made out, therefore, offence punishable under Section 306 is not attracted. Applicant was protected and she has attended the police station. Learned APP, however, states that further interrogation of applicant is necessary.

7. Considering the gender of applicant and nature of allegations levelled against her, and as nothing is to be recovered from applicant, so also, she has two small children to look after, applicant is entitled for protection.

8. In the result, application is allowed by confirming interim protection granted to applicant by order dated 15/12/2023.

9. Applicant shall attend concerned police station from 11th

March, 2024 to 17th March, 2024, everyday between 10:00 a.m. to 12:00 p.m. and thereafter, as and when called by investigating officer, till filing of charge-sheet and shall co-operate in the investigation. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)