

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

[1] ANTICIPATORY BAIL APPLICATION NO.1145 OF 2024

Shashikala Kaniph Hegade	 Applicant
Versus	
The State of Maharashtra	 Respondent

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WITH

[1] ANTICIPATORY BAIL APPLICATION NO.1146 OF 2024

Mohini Shubham Hegade	 Applicant
Versus	
The State of Maharashtra	 Respondent

Ms. Manisha Devkar, Advocate a/w. Shankar Katkar, Siddhi Patil for the Applicants in both ABAs.
Smt. Madhavi H.Mhatre, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th APRIL, 2024

P.C. :

1. Both these Applications are decided by this common order together because they arise out of the same registered offence.

2. The Applicants are seeking anticipatory bail in connection with C.R.No.41/2024 registered at Karkamb Police Station, District-Solapur on 3.2.2024 under sections 498-A, 306 read with 34 of IPC.

3. Heard Ms. Manisha Devkar, learned counsel for the Applicants in both ABAs and Smt. Madhavi Mhatre, learned APP for the Respondent-State.

4. The FIR is lodged by Akshay Yevale. He has stated that his sister Surekha had got married with the Applicant Shashikala's son Kiran. The Applicant Mohini is the wife of Kiran's brother Shubham. The marriage took place on 13.6.2023. She was residing at her matrimonial house at village Vhole, Taluka Pandharpur. She used to visit her parents' house. It was alleged that the Applicants' family was not allowing her to have regular contact. It is alleged that Surekha used to tell the informant through telephonic conversation about the ill-treatment meted out to her. It is alleged that whenever she was sent to her parents' house, her husband Kiran used to take her back within a few days. It is

alleged that the Applicant Shashikala used to taunt her on petty domestic issues. Surekha's husband Kiran used to suspect her character and used to beat her. There are general allegations that the Applicants family members, including the present Applicants, used to insult her on some petty domestic issues. On 2.2.2024, Surekha committed suicide by hanging herself. On these allegations, the FIR is lodged.

5. Learned counsel for the Applicants submitted that the deceased Surekha's husband Kiran and his brother Shubham are already arrested. They are in custody. There are hardly any allegations against the present Applicants. The investigation is over and the charge-sheet is filed. Even in the entire charge-sheet, there are no allegations against the present Applicants satisfying the ingredients of Section 306 or Section 498-A of IPC.

6. Learned counsel submitted that the Applicant Mohini is in her seventh month of pregnancy. On these vague allegations, the Applicants are required to be protected under Section 438 of Cr.PC.

7. Learned APP opposed all these submissions and referred to the statements of the parents of the deceased.

8. I have considered these submissions. The parents of the deceased Surekha i.e. Ranjana Yevale and Sanjay Yevale have given their statements. Their statements are consistent. According to them, after Surekha's marriage in June, 2023 their son Akashay's marriage was fixed on 31.12.2023. During June, 2023 till December, 2023 the deceased Surekha used to visit her parents' house. She had told mother Ranjana that Kiran used to harass her and used to suspect her character. The others, including the present Applicants, used to taunt her on some domestic issues. Surekha used to have conversation with her mother telephonically. When Surekha had come to her parents' house to attend her brother's marriage, she stayed for a few more days. At that time, they came to know that Surekha was pregnant. Therefore, she was not sent to her matrimonial house immediately. In the meantime, the Applicant Shashikala came to Surekha's parents place to take her back. But, even then Surekha was not sent with her.

Ultimately her mother somehow convinced her to go to her matrimonial house. She went with her brother-in-law Shubham to her matrimonial house. Even thereafter Surekha used to call her parents. At that time she used to say that everything was all right, but, Surekha's father Sanjay has stated that after she went back to her matrimonial house, she had made a video call and at that time she was looking little depressed. After that there was no conversation and then she committed suicide on 2.2.2024.

9. The neighbours Santosh Londhe and Subhash Hegde in their statements, have stated as to how the Applicants and Shubham tried to save the deceased when they saw that she had hanged herself. All this shows that the Applicants did not want the deceased to take that extreme step.

10. The allegations against the Applicants made in the statements are not of such degree which would attract the ingredients of Section 107 read with Section 306 of IPC. There

are vague and general allegations against both the Applicants.

The Applicant Mohini is in her seventh month of pregnancy.

11. Considering all these aspects, the Applicants' custodial interrogation is not necessary. They can be protected under Section 438 of Cr.P.C. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.41/2024 registered at Karkamb Police Station, District-Solapur, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Anticipatory Bail Applications are disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
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