

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

ANTICIPATORY BAIL APPLICATION NO. 1436 OF 2024

Mahananda Shivappa Kolagiri

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Satyavrat Joshi a/w Mr. Ashish R. Kachole i/b Mr. Samay Pawar, for Applicant.
- Mr. Balraj B. Kulkarni, APP for the State.
- Mr. Laxman Kharat, PSI, Sangli Police Station.

CORAM : MANISH PITALE, J.

DATE : 25th JUNE, 2024.

P. C. :

1. Heard Mr. Satyavrat Joshi, learned counsel for the applicant and Mr. Balraj Kulkarni, learned APP for the State.

2. The applicant apprehends arrest in connection with First Information Report No.119 of 2024 dated 20th April, 2024, registered at Police Station Umadi, District Sangli, for the offences under Sections 302 and 304-B read with 34 of the Indian Penal Code (IPC).

3. The informant is the brother of the deceased and on his statement FIR was registered. According to the informant, the accused persons i.e. the husband, mother-in-law and father-in-law of the deceased used to repeatedly harass her making demands from her and her family. In this backdrop, on 20th April, 2024, at about 01.00 a.m., husband of the applicant,

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who is a co-accused intimated the informant that the deceased had expired and he disconnected the phone. Thereupon, the informant and his family reached the hospital and found the dead body of the deceased. It is alleged that the three accused persons caused the death of the victim by strangulating her.

4. The postmortem report indeed show the cause of death as strangulation.

5. The learned counsel for the applicant submits that the co-accused persons i.e. the husband and the son of the applicant are already arrested. It is submitted that *omnibus* allegations of harassment are made against the applicant, which may give raise to some offence, but certainly not an indication of her involvement for an offence under Section 302 of the IPC.

6. The learned APP has opposed the prayer made in the present application, submitting that the investigation is still on going and it is too early at this stage to give any benefit of doubt to the applicant.

7. The Sessions Court, while rejecting the application of the applicant, observed that the allegations are made against all the three accused persons and that since the investigation is at nasent stage, it would not be appropriate to grant relief to the applicant.

8. This Court is also of the opinion that when allegations of similar nature are made against all the three accused persons, merely because the applicant is a woman, it cannot be said that while she may have harassed the victim, she did have a role to play in the act, which led to the death of the victim. That is a matter of investigation and since the FIR has been recently registered, it would not be appropriate to give relief to the applicant

9. Apart from this, it is to be noted that the victim was residing with all the three accused persons and specific allegations are made against them with regard to the manner in which they were ill-treating the victim. The victim was found dead with the cause of death is strangulation in the house in which all the three accused were living with her. In such a situation, this Court is not inclined to grant relief to the applicant, particularly when serious offences are registered against all the three accused persons.

10. Accordingly, the application is dismissed.

(MANISH PITALE, J.)