

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

ANTICIPATORY BAIL APPLICATION NO. 1439 OF 2024

1. Chandrakant Mahadev Pujari,
2. Mahadevi Mahadev Pujari, ...Applicants

Versus

The State of Maharashtra ...Respondent

- Mr. Samay Pawar a/w Ms. Disha Rathod i/b Mr. Yash Fadtare, for the Applicants.
- Mr. Prasanna Pradeep Malshe, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 16th July, 2024.

P. C. :

1. Heard, Mr. Samay Pawar, learned counsel for the applicants and Mr. Prasanna Malshe, learned APP for the State.

2. In the present case the applicants are apprehending arrest in connection with First Information Report No.0121 of 2024 (FIR), dated 23rd April, 2024, registered at Police Station Umadi District Sangli, for the offences under Sections 306 and 498-A read with 34 of the Indian Penal Code (IPC) and Section 4 of the Dowry Prohibition Act, 1961.

3. The applicant No.1 is the husband and applicant No.2 is the mother-in-law of the deceased. The other accused persons are the brother-in-law of the deceased and his wife.

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4. The informant in this case is the brother of the deceased. It is the case of the informant that due to the harassment meted out to the deceased by the accused persons, while demanding dowry, the deceased was driven to commit suicide.

5. The learned counsel for the applicants submits that accused Nos.3 and 4 i.e. brother-in-law of the deceased and his wife were granted bail by the Sessions Court, while the prayer made on behalf of the applicants was rejected. It is submitted that the allegations in the statement leading to registration of the FIR do not make out the ingredients of offence under Section 306 of the IPC and hence, this Court may consider granting relief, as the applicants undertake to cooperate with the investigation.

6. The learned APP submits that as against the applicants before this Court there are specific allegations of harassment given to the deceased.

7. A perusal of the statement leading to registration of the FIR shows that the marriage of the applicant No.1 and the deceased took place in the year 2008. The specific allegations against the applicants as regards harassment while demanding dowry pertain to the period of 4 to 5 years before the registration of the FIR. The informant has thereafter simply stated that on 23rd April, 2024, the brother-in-law of the deceased informed the

informant on phone that the deceased had committed suicide by hanging herself.

8. On the face of it, there are no specific allegations against the accused persons, including the applicants before this Court, as regards overt act soon before the date of the incident i.e. 23rd April, 2024. *Prima facie*, the applicants have been able to make out a case that the ingredients of the offence under Section 306 of the IPC, particularly those pertaining to instigation to commit suicide are not made out against the applicant. Hence, this Court is inclined to grant relief to the applicants, so long as they cooperate with the investigation.

9. In view of the above, the application is allowed in the following terms :

(A) In the event the applicants are arrested in connection with FIR No.0121 of 2024 (FIR), dated 23rd April, 2024, registered at Police Station Umadi District Sangli, they shall be released on bail on furnishing P.R. Bonds of ₹ 25,000/- each and one or two sureties in the like amount to the satisfaction of the Trial Court.

(B) The applicants shall remain present before the Investigating Officer on 19th July, 2024 and thereafter as

and when called by the Investigating Officer.

- (C) The applicants shall not tamper with the evidence in any manner. They shall not influence the informant, witnesses or any other persons concerned with the case.

10. Needless to say, violation of any of the aforesaid conditions may lead to cancellation of the present order. The observations made in this order are limited for the purpose of deciding this application.

11. The application is disposed of.

(MANISH PITALE, J.)