

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

ANTICIPATORY BAIL APPLICATION NO.170 OF 2024

1. Nirmala Raju Sathe,
2. Nikita Amit More, &
3. Kanchan Vaibhav Shelar. Applicants

Versus

The State of Maharashtra Respondent

Mr. Shailesh S. Kharat, Advocate for the Applicants.

Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 22nd JANUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.285/2023 registered at Chandan Nagar Police Station, Pune under sections 498-A, 323, 504 read with 34 of IPC. Subsequently, Section 306 of IPC was added.

2. Heard Mr. Shailesh Kharat, learned counsel for the Applicants and Ms. Pallavi Dabholkar, learned APP for the Respondent-State.

3. At the outset, learned counsel for the Applicants states that he is not pressing the Application on behalf of the Applicant No.1. Therefore, I have considered this application only in respect of the Applicant No.2 Nikita and the Applicant No.3 Kanchan.

4. The FIR is lodged by the mother of the deceased Ashwini. The informant has stated that Ashwini got married with one Sagar. He was the Applicant No.1's son and brother of the Applicant Nos.2 & 3. The marriage took place on 12.12.2017. It is mentioned in the FIR that after about two months from the marriage, Sagar started raising suspicion about Ashwini's character. He was not working. He was addicted to liquor. He used to assault Ashwini. It is mentioned in the FIR that all the Applicants used to mentally harass the deceased, used to abuse her and used to beat her. The Applicant Nos.2 & 3 were married but they used to stay with

the Applicant No.1 continuously for three months. The FIR mentions that the informant and others had held a meeting with Sagar and his relatives and at that time Sagar had assured that he would treat the deceased properly. Ashwini and Sagar had a son aged five years, but, Sagar used to doubt her character. On 25.6.2023, the deceased hanged herself but she was taken down from that position and was removed to hospital. She survived for a few months though she was unconscious. Ultimately she died on 5.12.2023. In the meantime, the first informant lodged her FIR on 26.6.2023 mainly under Sections 498-A and 323 of IPC. After Ashiwini's death, Section 306 of IPC was added.

5. Learned counsel for the Applicants submitted that the Applicant Nos.2 & 3 were the married sisters of Ashwini's husband. The Applicant No.2 was married in the year 2017 and the Applicant No.3 was married in the year 2013. They are roped in only because of frustration and anger. They have no direct nexus with the dispute between the husband and

wife. They had not committed any offence under Section 498-A of IPC or even under Section 306 of IPC.

6. Learned APP opposed these submissions. Learned APP produced the investigation papers before me. She submitted that considering the allegations in the FIR, even the Applicant Nos.2 & 3 cannot be protected.

7. I have considered these submissions. The learned APP produced the investigation papers before me, including the medical papers. The medical papers show that the deceased was admitted to the Sassoon Hospital on 7.8.2023. Before that she was treated in another hospital. She was discharged from the Sassoon Hospital on 18.11.2023 and thereafter she died on 5.12.2023. She was unconscious and was suffering from bed-sores which ultimately led to septicemia. The cause of death was mentioned as 'death due to septicemia'. Hence, there is a direct nexus between the act of her hanging herself and her death. The question is whether the Applicant Nos.2 & 3 are responsible for the same.

8. The investigation papers include a complaint given by the deceased herself to the police on 2.8.2022 in which she had made allegations against her husband and his relatives. The allegations are mainly against her husband, her father-in-law who was alive at that time; and the Applicant No.1. There is only one general allegation against the Applicant Nos.2 & 3 that they used to abuse her. But, there are no specific allegations made by the deceased herself against the Applicant Nos.2 & 3. Even in the FIR, there is only a general reference to the Applicant Nos.2 & 3 and their act. Both of them are married sisters of Ashwini's husband. They were residing at different places and not in the house of the deceased and her husband. Therefore, they can be granted protection under Section 438 of Cr.P.C.. It would be sufficient if they cooperate with the investigation. Hence, the following order :

ORDER

- (i) The Application in respect of the Applicant No.1 Nirmala Sathe is dismissed as not pressed.

- (ii) The Application is allowed only in respect of the Applicant No.2 Nikita Amit More and the Applicant No.3 Kanchan Vaibhav Shelar. In the event of their arrest in connection with C.R.No.285/2023 registered at Chandan Nagar Police Station, Pune, the Applicant Nos.2 & 3 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.
- (iii) The Applicant Nos.2 & 3 shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

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by
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DESHMANE
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Deshmane (PS)

(SARANG V. KOTWAL, J.)