

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

ANTICIPATORY BAIL APPLICATION NO. 240 OF 2024

Archana Mukesh Gujrathi

..Applicant

Versus

The State of Maharashtra

..Respondent

Ms. Gauri R. Raghuwanshi for Applicant.

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 29 JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.489 of 2023, registered at Mumbai Naka Police Station, Nashik city, on 29.12.2023, under sections 306, 323, 504 and 506 r/w. 34 of the Indian Penal Code. Subsequently, Sections 498-A and 304-B of the I.P.C. are added.

2. Heard Ms. Gauri Raghuwanshi, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The F.I.R. is lodged by the brother of the deceased on 29.12.2023. He has stated that, his younger sister the deceased got

married with the applicant's son on 25.04.2022. Both were belonging to different religious faiths. It was a love marriage. The informant's family approached the applicant's family and the couple was married. The F.I.R. mentions that the present applicant who was mother in law of the deceased, her elder son and the husband of the deceased used to abuse her and illtreat her.

4. On 29.08.2022, the deceased had told the informant that the applicant had abused and had beaten her. The informant's family approached the applicant's family. There was a meeting. The informant's family was assured that, those instances would not be repeated. But, according to the informant, the illtreatment continued and the deceased committed suicide between the night of 28.12.2023 and 29.12.2023 by hanging herself. On this basis the F.I.R. is lodged.

5. Learned counsel for the applicant submitted that the applicant was residing at Dhule. The applicant's son i.e. husband of the deceased and the deceased were residing separately at Nashik. The informant and the deceased's family were the

residents of Malegaon. The allegations in the F.I.R. are vague. There are no specific instances mentioned. On the date of incident, the applicant was not in Nashik. She was not staying in the house of the deceased and her husband. She submitted that, a month prior to the incident, the deceased had lost her grand mother and, therefore, she had gone to reside with her parents' family at Malegaon. She stayed there for about a month and then she went back to Nashik on 23.12.2023. Thereafter, this incident had taken place. She submitted that the applicant has nothing to do with the suicide committed by the deceased.

6. Learned APP produced the investigation papers before me. She submitted that, during recorded conversation between the deceased and her mother there was a reference to demand of money and illtreatment on that count. She submitted that the F.I.R. and, in particular, statements of mother and other relatives show that the applicant was also illtreating the deceased. However, the investigation has also revealed that the applicant was in Dhule on the date of incident. She was not residing with the deceased and the husband of the deceased at Nashik.

7. I have considered these submissions. As far as the allegation of demand of money is concerned, there is no reference to such allegation in the F.I.R. In the supplementary statement of the informant, the allegations of demand of money are made against the husband. The allegations are restricted to domestic quarrels and illtreatment caused to the deceased on some petty issues. Apart from the petty issues, another serious issue involved in the case was that the husband of the deceased was blaming her for not being able to get pregnant. The allegations against the present applicant are general in nature. The mother of the deceased has stated that the applicant used to harass the deceased. She used to abuse her, but even in that statement the main allegations are against the husband of the deceased. There was no allegation of demand of money on the part of the present applicant. It is restricted to husband of the deceased.

8. The supplementary statement of the informant recorded on 13.01.2024 throws light on the nature of relationship between the deceased and her husband. There is a reference about the recorded conversation between the deceased and her mother.

At that time, the deceased had squarely blamed her husband. There was a reference to the conversation that the deceased was being beaten by her husband and at that time she had told him that he should not touch her, otherwise, she would commit suicide. At that time, her husband had expressed that, it made no difference to him. Apart from that, there is a reference in the same statement about the dispute between the deceased and her husband. Both were blaming each other for deceased not being able to conceive. These were the serious issues between the couple.

9. There is a statement of one Nitin Jagdale who was friend of the husband of the deceased. He has thrown light on the nature of fight between the couple prior to the incident. All these statements indicate that the quarrel with the husband was perhaps the immediate and proximate cause for the deceased taking that step. The applicant was residing in a different district altogether. Therefore, the allegations against the applicant do not indicate abetment to commit suicide. There are no specific instances against her. Therefore, at this stage, the applicant can be

protected U/s.438 of the Cr.p.c. Her custodial interrogation is not necessary. It is made clear that, these observations are made only for deciding this anticipatory bail application. Ultimately, if the applicant faces the trial, the Trial Court shall not be influenced by these observations.

10. Hence, the following order :

ORDER

- i) In the event of her arrest in connection with C.R.No.489 of 2023, registered at Mumbai Naka Police Station, Nashik city, the applicant is directed to be released on bail on her executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)