

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

ANTICIPATORY BAIL APPLICATION NO.273 OF 2024

1. Sarika Kiran Madane, &
2. Adhikabai Sambhaji Madane Applicants
Versus
The State of Maharashtra Respondent

Ms. Neha Kokare, Advocate for the Applicants.

Ms. Mahalakshmi Ganapathy, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 01st FEBRUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.843/2023 registered at Bhigwan Police Station, District-Pune on 3.12.2023 under sections 306, 304-B, 498-A, 323, 504, 506, read with 34 of IPC.

2. Heard Ms. Neha Kokare, learned counsel for the Applicants and Ms. Mahalakshmi Ganapathy, learned APP for the Respondent-State.

3. The FIR is lodged by the father of the deceased 'D' in respect of suspicious death of 'D' and her 1 & ½ year old daughter. The Applicant No.1 is the sister-in-law of the deceased and the Applicant No.2 is her mother-in-law.

4. The FIR mentions that the deceased got married with the Applicant No.2's son on 8.3.2020. During the lock-down period the Applicants, the husband of the deceased and his brother started ill-treating her on the ground that they did not receive sufficient dowry. There are allegations of demand of money. It is alleged that they started abusing and beating her. When the deceased used to visit her parents' house, at that time she used to tell about the ill-treatment suffered by her at the hands of the Applicants and her husband. There are allegations that in May, 2022 she delivered her daughter. It is alleged that the Applicants' family started harassing her by saying that they wanted a son. There was some meeting between the two families and the family members of the Applicants assured good treatment to the deceased. In August, 2023 the deceased became pregnant for the second time. At

that time her husband started raising suspicion about her character. There are allegations that both the Applicants and the husband's brother started harassing her by suspecting her character. On 1.11.2023, the deceased came back to her parents' house. She did not want to return to her matrimonial house but at the instance of her parents she went back to reside with her husband. On 30.11.2023 in the night time the deceased went missing with her child aged 1 & ½ year. On 2.12.2023, in the morning, the dead bodies of the deceased and her daughter were found in a well. After that the FIR is lodged.

5. Learned counsel for the Applicants submitted that the Applicants were residing separate from the deceased and her husband. They were residing at a distant place and it takes about 35 minutes to travel from that place to the matrimonial place of the deceased. She submitted that there are only general allegations against the Applicants. The conduct of the villagers is also suspicious. It is difficult to believe that the parents of the deceased came to know about

the incident from somebody else but they were already told about the incident by the Applicants' family. She submitted that the Applicant No.2 is suffering from high blood pressure and high sugar. She is a senior citizen and, therefore, leniency be shown to her.

6. Learned APP strongly opposed these submissions. She produced the investigation papers before me. There are some significant statements and material in the investigation carried out so far. The postmortem notes of both the dead bodies show that there were some injuries on their bodies. Whether those injuries were caused due to fall in the well or they were caused because of beating; will have to be tested during the investigation. There are statements of the family members of the first informant which are corroborating the allegations in the FIR. There are some allegations against the family members of the Applicants including both the Applicants. However, specific instances are not mentioned. In this background it is important to note that the deceased herself had lodged an NC at Bhigwan police station on

23.7.2022. In that NC she had specifically named her husband, the Applicant No.2 i.e. her mother-in-law and the brother of her husband. It was mentioned that these three were assaulting and abusing her. Significantly she had not complained against the Applicant No.1 before this Court in the present application.

7. There is statement of one Satish Pandhare. He was the maternal uncle of the deceased. His statement is important. He has stated that on 29.11.2023 the deceased had called him telephonically and she had told him that her husband and her mother-in-law i.e. the present Applicant No.2 had assaulted her brutally. She called this witness to her house. This telephone call was made at about 9.00 p.m. on 29.11.2023. Within 15 months after that she again called him and told him that the husband had left to attend his work and there was no necessity to come at that time. On the next day, at about 2.00 p.m., the deceased left her house with her daughter. Thus, it is quite clear that the proximate cause for the deceased taking this unfortunate step is, beating caused by

her husband and the mother-in-law. Again significantly there were no allegations against the Applicant No.1. Therefore, to that extent I am inclined to give benefit to the Applicant No.1. However, there are consistent allegations against the Applicant No.2 and she does not deserve any protection. The offence is quite serious. Hence, the following order :

ORDER

- (i) The Application made on behalf of the Applicant No.2 Adhikabai Sambhaji Madane is rejected.
- (ii) In the event of her arrest in connection with , the Applicant No.1 Sarika Kiran Madane is directed to be released on bail on her furnishing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (iii) The Applicant No.1 shall cooperate with the investigation.
- (iv) The Application is disposed of accordingly.

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(SARANG V. KOTWAL, J.)

Deshmane (PS)