

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

ANTICIPATORY BAIL APPLICATION NO. 536 OF 2024

Smt. Vimal Mahadu Mali ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO. 537 OF 2024**

Jayawanti Manoj Mali ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

Ms. Anima Mishra a/w. Anuj Singh a/w. Kajal Upadhyay a/w.
Nagesh Avhad a/w. Ritu Singh i/b. SBG Law for Applicants in both
ABAs.
Mr. C. D. Mali, APP for State/Respondents.

**CORAM : SARANG V. KOTWAL, J.
DATE : 28 FEBRUARY 2024**

P.C. :

1. Both these applications are decided by this common order because they arise out of the same registered offence.
2. The Applicants are seeking anticipatory bail in connection with C.R.No. 206 of 2023 registered at Vasind Police Station, Thane Rural, on 15.10.2023, under sections 306, 323 and

504 r/w. 34 of the Indian Penal Code. The applicant Vimal is mother in law of the deceased and the applicant Jayawanti is the sister in law of the deceased i.e. wife of the brother of the husband of the deceased.

3. Heard Ms. Anima Mishra, learned counsel for the applicants and Mr. Mali, learned APP for the State/respondents.

4. The F.I.R. is lodged on 15.10.2023 by the mother of the deceased. She has stated that, about three years prior to lodging of the F.I.R. the deceased had got married with the applicant Vimal's son Mayur. The couple had a two year old son. It was a love marriage. She was not on visiting terms with her mother. But about three months before the incident, she had started visiting her mother's place because her in laws were fighting with her. It is mentioned in the F.I.R. that, both these applicants and the deceased's husband's brother Manoj used to cause harassment to the deceased. Because of that, she used to go outside of her house with her son and only on return of her husband from service, she used to come back to her house. About 2-3 months prior to the

incident, both these applicants had assaulted her. It is alleged that, both the applicants were saying that the deceased had relations with others and that she had not brought anything from her parents.

5. On 12.10.2023, the deceased had gone to meet her mother. On the next day i.e. on 13.10.2023 the applicant called her back because it was *Amavasya* on that day. On 15.10.2023, the deceased committed suicide by hanging herself. After that, on these allegations the F.I.R. is lodged.

6. Learned counsel for the applicants submitted that, there are no specific allegations against both these applicants. Their acts could not be termed as abetment to commit suicide. She submitted that, there are statements of the witnesses which show that the deceased was not even visiting her mother's place. Therefore, all these allegations are made by the mother of the deceased out of anger or frustration. She submitted that, there were some witnesses who had seen the deceased in the company of her husband and others including the applicant Jayawanti. Her

husband had told her that, he would buy her a *saree* after a few days and not immediately. After this conversation, the deceased had committed suicide. She, therefore, submitted that, it could be a proximate cause for committing suicide; for which, neither of the applicants can be held responsible.

7. Learned APP opposed these submissions. According to him, there are allegations against both the applicants that they were suspecting the character of the deceased and they were illtreating her.

8. I have considered these submissions. The charge-sheet in this case is already filed. There are statements of some of the neighbours who were residing near the matrimonial house of the deceased. These witnesses viz. Pratiksha Khemane, Vasant Dongre, Vandana Dongre, Rupali Dongre have stated that the deceased had never been to her parent's house after her marriage and nobody from her parent's house used to visit her. There are important statements of one Sarika Dongre and Ganesh Dongre. Both of them had seen that the deceased was sitting and having conversation

with her husband. They were accompanied by the applicant Jayawanti and her husband Manoj. Their children were also with them. They were sitting on the steps of their house. They were having conversation. At that time, the deceased told her husband that she wanted a new *saree* for Navratri. At that time, her husband told her that his salary was not yet paid and that he would buy a *saree* afterwards. After this conversation, within a short time, the deceased committed suicide. Similar statement is given by the husband himself when he had informed the police on 15.10.2023. Based on his statement, an A.D.R.No.43 of 2023 was registered at the said police station. All these statements indicated that the applicants may not be responsible for commission of suicide by the deceased. Though, there are statements of mother and sister of the deceased; even recorded U/s.164 of the Cr.p.c., which are similar in nature to the F.I.R., those allegations are also vague. In this view of the matter, sufficient doubt is created about the role of the present applicants. Therefore, in this situation, their custodial interrogation is not warranted. They can be protected U/s.438 of the Cr.p.c. The applicant Jayawanti has a small child

aged about three years. This is an additional consideration for grant of anticipatory bail to her.

9. Hence, the following order :

ORDER

- i) In the event of their arrest in connection with C.R.No. 206 of 2023 registered at Vasind Police Station, Thane Rural, the applicants are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- ii) The Applicants shall cooperate with the investigation.
- iii) Both the Applications are disposed of.

(SARANG V. KOTWAL, J.)