

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

ANTICIPATORY BAIL APPLICATION NO.323 OF 2024

Vinita Jayprakash Tiwari

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Vijay Pandey a/w Aayush Pande i/b. Gaurav Pandey, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 06th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.748/2023, dated 19/11/2023, registered with MIDC Police Station, Mumbai, under sections 306, 498-A r/w 34 of the Indian Penal Code.

2. Heard Mr. Vijay Pandey, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

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3. The FIR is lodged by one Mithilesh Dubey regarding the suicide committed by his sister. The informant's sister got married with the Applicant's brother on 02/12/2022. It is alleged that the Applicant's parents had demanded Rs.2,50,000/- by way of dowry. Out of which Rs.1,80,000/- were paid by them. The deceased started residing with her husband, the present Applicant and the husband's parents at Jogeshwari since May 2023. There are allegations that the family members of the husband including the Applicant were causing mental and physical harassment and cruelty to the informant's sister. The deceased had become pregnant, but she was not given any money for medical treatment or medicines. On 19/11/2023, the deceased committed suicide by hanging herself. On this basis, the FIR is lodged by the informant.

4. Learned counsel for the Applicant submitted that the Applicant is 18 years of age as of today. At the time of marriage of her brother with the deceased, the Applicant was a minor.

There were only general allegations against her. The Applicant is a young girl and in this background her arrest and custodial interrogation will cause irreparable harm to her future.

5. Learned APP referred to the FIR but she conceded that there are no specific allegations against the present Applicant.

6. I have considered these submissions. As rightly submitted by the learned counsel for the Applicant, there are no specific allegations against the present Applicant. There are no specific instances mentioned against her. There is no specific role or any particular ill-treatment. The Applicant is a young girl. She is about 18 years of age. There is no allegation of demand of dowry attributed to her. In this situation, her custodial interrogation will not serve any purpose. She can be protected u/s 438 of Cr.P.C.

7. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.748/2023, dated 19/11/2023, registered with MIDC Police Station, Mumbai, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)