

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

ANTICIPATORY BAIL APPLICATION NO.938 OF 2024

Balasaheb Nanasaheb Veer & Ors. Applicants

versus

State of Maharashtra Respondent

.....

- Mr. Aniket Nikam i/b. Amit Icham, Advocate for Applicant.
- Mr. Avinash A. Naik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 08th APRIL, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.102/2024, dated 07/03/2024, registered with Dighi Police Station, Pimpri-Chinchwad, under sections 306, 498-A, 506 r/w 34 of the Indian Penal Code.

2. Heard Mr. Aniket Nikam, learned counsel for the Applicants and Mr. Avinash A. Naik, learned APP for the State.

3. The FIR is lodged by Hirabai Randive. She has stated that she had four daughters. The third daughter was married to

the Applicant Nos.1 and 2's son Prasad. The Applicant No.2 was the sister of the informant's husband. Prasad got married with the informant's daughter on 24/04/2022 at Beed. Prasad used to stay at Vadmukhwadi, Taluka Haveli, District Pune, in Sun Paradise Society. It was in the name of the Applicant No.1. Prasad was working in a finance company, Pune. After the marriage, the deceased went to stay with the Applicant's family at village Walunj, Taluka Ashti, District Beed. She stayed there for a month. She had told the informant that she was happy and peaceful. After that the deceased and her husband Prasad came to Vadmukhwadi, Taluka Haveli, District Pune and started residing in the aforementioned flat. Prasad used to send her to Walunj for doing the agricultural work. He never used to do such work. He hardly used to visit his native place. It is alleged that Prasad used to harass the deceased in respect of the informant's property. He was suspecting that other sisters of the deceased were getting better treatment and more property. Prasad was insisting that the deceased should ask for her share in her parents' property. On that ground, he used to harass the deceased. The FIR mentions that these three Applicants never

told him to stop this harassment. This is one of the allegations against the Applicants. The Applicant No.3 was a married sister of Prasad. In January 2024, the deceased had visited her parents' house. After that, Prasad was not allowing her to have any communication with the informant and her family. There are general allegations that, instead of telling Prasad to behave properly with the deceased, these Applicants used to harass her on petty reasons.

4. On 04/03/2024, the deceased committed suicide by hanging herself. On this basis, the FIR is lodged.
5. Learned counsel for the Applicants submitted that the deceased and her husband were staying separately at Vadmukhwadi. The Applicant Nos.1 and 2 were residing in District Beed and the Applicant No.3 was residing at Wagholi. The incident had occurred because of the strained relations between Prasad and the deceased. The Applicants have nothing to do with the deceased committing suicide. Even the FIR does not make any specific allegations against them. At the highest, it

is mentioned that the Applicants did not tell Prakash to treat the deceased properly.

6. Learned APP opposed these submissions. She produced the investigation papers before me. He submitted that the incident had taken place within 7 years of marriage and therefore there is presumption against the accused. He submitted that considering the seriousness of the incident, the Applicants may not be granted protection u/s 438 of Cr.P.C.

7. I have considered these submissions. The FIR itself mentions that the deceased and Prasad were residing separately in a different District from the Applicant Nos.1 and 2. Even the Applicant No.3 was a married sister of Prasad who was residing at a different place. There are only vague allegations regarding harassment as far as the Applicants are concerned. The main grievance of the informant is that the Applicants did not tell Prasad to treat the deceased properly. In such circumstances, even the presumption will not come in aid of the prosecution. Because there are no serious allegations of causing ill-treatment

soon before the incident of suicide had taken place. The allegations against the present Applicants are quite weak and vague. In such circumstances, the Applicants' custodial interrogation is not necessary. They can be protected u/s 438 of Cr.PC.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.102/2024, dated 07/03/2024, registered with Dighi Police Station, Pimpri-Chinchwad, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)