

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

ANTICIPATORY BAIL APPLICATION NO.1797 OF 2024

Nagina Jaiprakash Tiwari Applicant

versus

State of Maharashtra Respondent

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- Mr. Nilesh Pandit a/w Sachin Tiwari i/b. Anjesh Nilesh Advocate LLP, Advocate for Applicant.
- Ms. Sangita Shinde, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 08th JULY, 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. Nilesh Pandit, learned counsel for the Applicant and Ms. Sangita Shinde, learned APP for the State.
3. The FIR is lodged by one Mithilesh Dubey regarding suicide committed by his sister. The informant's sister had got

married with the Applicant's son on 02/12/2022. It is alleged that the Applicant and her husband demanded Rs.2,50,000/- by way of dowry. Out of Rs.1,80,000/- were paid. The deceased started residing with her husband, the present Applicant and other members of family, since May 2023. There are allegations that the family including the present Applicant were causing mental and physical harassment and cruelty to the informant's sister. The deceased had become pregnant, but she was not given money for medical treatment. On 19/11/2023, the deceased committed suicide by hanging herself in her matrimonial house. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that there are only vague and general allegations against the present Applicant. The investigation in this case is already over and the charge-sheet is filed. The husband of the deceased i.e. the Applicant's son was arrested and he was released on bail in the month of May 2024. The Applicant's custodial interrogation is not going to serve any purpose particularly since there are no serious allegations against the present Applicant.

5. Learned APP on the other hand submitted that there is a reference to the Applicant's name not only in the FIR, but also in the statements of cousins of the deceased. All of them have also named the Applicant along with others and therefore, anticipatory bail may not be granted to the Applicant.

6. I have considered these submissions. As submitted by the learned counsel for the Applicant, the charge-sheet is already filed. In that charge-sheet there is one important statement of one Santosh Dubey who was the maternal cousin of the deceased. He has stated that the Applicant's husband had demanded Rs.2,50,000/- as dowry. The family of the deceased had shown willingness to make that payment because it was a custom in their family. Out of which, Rs.1,80,000/- was given by her brother Mithilesh. It was converted into gold. This witness has particularly stated that the deceased had never complained to him directly or through telephonic conversation regarding cruelty or harassment caused to her by the Applicant's family. This statement is important.

7. Apart from this cousin, there is another cousin Pramod, who was the paternal cousin of the deceased. He has also stated that the deceased had never told him about the harassment caused by the Applicant and her daughter to the deceased. These statements are important. They are given by close relatives of the deceased. There are no other statements of neighbours, who could substantiate the allegations in the FIR of causing harassment and illtreatment to the Applicant. Therefore, some reasonable doubt is created against the prosecution story, as far as the present Applicant is concerned. Even otherwise, the allegations against her are vague and general. In this view of the matter, the Applicant's custodial interrogation is not required. The charge-sheet is already filed and the investigation is already over.

8. 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.)