

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

ANTICIPATORY BAIL APPLICATION NO. 2942 OF 2024

Laxmi Bhimrao Dhotre	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Amit Icham for the Applicant.
Mr. Kiran C. Shinde, APP for Respondent-State.
Mr. Kisan B. Kamtode, Head Constable, Indapur Police Station,
Pune (Rural).

**CORAM: MANISH PITALE, J.
DATE : 12th NOVEMBER 2024**

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0773 of 2024 dated 23rd September 2024 registered at Indapur Police Station, Dist. Pune, for offences under Sections 3(5), 85, 90 and 91 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The informant herein is the elder brother of the victim. It is stated that the sister of the informant i.e. the victim has suffered continuous harassment in her matrimonial home, at the hands of her husband, father-in-law and mother-in-law (applicant herein). It is specifically alleged that on the date of the incident, when the applicant and other accused persons became aware about the fact

that the fetus in the womb was that of a female child, they took the victim to the Doctor, where she was given certain treatment, resulting in abortion and excessive bleeding, eventually leading to her death.

4. The learned counsel for the applicant submits that although the applicant has been named in the FIR, general allegations have been made with regard to harassment in the year 2017 and thereafter, no specific allegation is made with regard to the role of the applicant in respect of the incident in question, which took place on 23rd September 2024. It is submitted that since the applicant is a lady and she is ready to cooperate with the investigation, this Court may consider allowing the present application.

5. On the other hand, the learned APP submits that victim suffered harassment at the hands of the applicant and the other accused persons continuously from the date of her marriage in the year 2017. Reference is made to an earlier FIR registered on 27th June 2022, wherein the victim being the informant, she has described in detail as to the manner in which the applicant along with other accused had harassed her. It was submitted that in such circumstances, considering the seriousness of the nature of the offences, this Court may not show any indulgence to the applicant.

6. Having heard the learned counsel in the light of the material

on record, this Court is not inclined to grant relief to the applicant. The statement of the informant shows that the applicant has been specifically named as one of the accused persons, who was harassing the victim *inter alia*, on the ground that male child was required in the family. There is a specific allegation that when the applicant and other accused persons came to know that the fetus in the womb of the victim was that of a female child, steps were taken to undertake abortion and in the process, the victim died due to excessive bleeding. These are serious allegations, that cannot be ignored.

7. The learned APP is justified in relying upon the earlier FIR bearing No. 0460 of 2022 dated 27th June 2022, filed at the behest of the victim herself, wherein she has described in detail as to the manner in which she was harassed by the accused persons, including the applicant. It is to be noted that being the mother-in-law and consequently being in constant touch with the victim in the matrimonial house, it can be said that *prima facie* the applicant had a major role to play in the incidents that eventually resulted in the tragic death of the victim.

8. No case is made out for anticipatory bail. The application is dismissed.

MANISH PITALE, J.