

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3360 OF 2024**

Anandi Namdeo Patil	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Priyanka Thakur for applicant.

Mr. Kiran C. Shinde, APP for respondent-State.

Mr. Nitin Sejpal a/w. Ms. Pooja Sejpal and Mr. Siddharth Gharat for intervenor.

Mr. Harshal D. Rajput, PSI, Navin Panvel Police Station, Navi Mumbai.

CORAM : MANISH PITALE, J.

DATE : 12th DECEMBER, 2024

P.C. :

. Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel having instructions to appear on behalf of the first informant.

2. The applicant is one of the two accused persons and they are facing prosecution for offences under Sections 80 and 85 of the Bharatiya Nyaya Sanhita, 2023 (BNS). While the co-accused person i.e. the son of the applicant has been arrested, she is apprehending arrest in connection with the said FIR No.0312 of 2024 dated 12.11.2024, registered at Navin Panvel Police Station, District Navi Mumbai, for offences under Sections 80 and 85 read with Section 3(5) of the BNS.

3. The informant in the present case is the brother of the deceased and according to him, after the deceased i.e. his sister got married to the co-accused person on 01.06.2024, she suffered

harassment at her matrimonial house at the hands of the accused persons, due to which eventually on 12.11.2024, she was found dead.

4. The learned counsel for the applicant submits that in the present case, the applicant is a 65 years old woman and being mother-in-law of the deceased, she has been roped in on the basis of the allegations of harassment. It is submitted that the marriage had taken place only about 5 months before her death and there is nothing to show that any complaints were made by the deceased. It is claimed that sufficient jewellery was purchased for the deceased during the marriage and the marriage was performed, despite the fact that the other son of the applicant had expired few days before the date when the marriage of the co-accused and the deceased, was fixed. On the basis of certain documents tendered before this Court, it is sought to be indicated that the accused persons were taking care of health of the deceased, who was suffering from ailments like sciatica.

5. The learned APP relies upon the statements recorded during the course of investigation, to contend that there is enough material to indicate harassment suffered by the deceased. It is alleged that demands of cash and gold were made by the accused persons and in that backdrop, the deceased was subjected to mental and physical harassment.

6. During the course of arguments, copy of statement of grandson of the applicant was also tendered for perusal of this Court. The said child is the son of the applicant's daughter and he is said to have been living with the accused persons, while taking education.

7. This Court has perused the statement of the informant, leading to registration of FIR, as also the statements of witnesses recorded during the course of investigation. The statement of the informant, leading to registration of FIR, indeed shows that the applicant is named as one of the persons, who was harassing the deceased. But, the allegation against the applicant appears to be of general and omnibus nature. It is to be noted that the statements on which reliance has been placed by the learned APP, are all of close relatives of the deceased, including her sisters and sister-in-law. None of them were obviously living with the deceased in her matrimonial house. It is also a matter of record that during the period of subsistence of marriage and the unfortunate passing away of the deceased, not a single complaint of harassment was made against the accused persons. The statement of the grandson of the applicant assumes significance in this backdrop, because he is a 15 years old boy, who is living with the accused persons. In his statement, he has not indicated any kind of violence or harassment, which the applicant inflicted upon the deceased.

8. The applicant is a 65 years old senior citizen and a woman. This is not a case where any recoveries are to be made from the applicant and so long as she is ready to co-operate with the investigation, this Court is inclined to allow the present application.

9. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0312 of 2024 dated 12.11.2024, registered at Navin Panvel Police Station, District Navi Mumbai, she shall be released on

bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

- (ii) The applicant shall remain present before the Investigating Officer on 16.12.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. She shall not influence the informant, witnesses and other persons concerned with the case.
- (iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

10. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

11. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. The application stands disposed of.

(MANISH PITALE, J)

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Signed by
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Priya Kambli
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