



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

30 ANTICIPATORY BAIL APPLN. NO. 381 OF 2025

**VIJAYABAI BALAJI RATHOD
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr.M.M.Parghane
APP for Respondent-State : Mr.B.B.Bhise
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 17.03.2025**

P.C. :

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

2] The applicant is apprehending arrest in connection with Crime No. 10/2025, registered at Loha Police Station, Taluka Kandhar, District Nanded, for the offence punishable under Sections 108, 80 (2), 3 (5), 351 (2), 352, 85 of the B.N.S.

3] The allegation against the applicant is that the applicant has instigated and driven her daughter in law to commit suicide on account of harassment and ill treatment. It is further alleged that the applicant along with her husband and other relatives had earlier demanded Rs.3 lacs

for purchasing the land and motorcycle, which was paid to the applicant and family members in presence of panchas. Thereafter it is stated that the accused no.1 and his daughter were blessed by two children. It is alleged that on 08.01.2025 at about 10.30 a.m. the daughter of the informant called him on mobile phone and informed that in the night the accused assaulted and threatened to kill her. It is alleged that thereafter after sometime the daughter of the informant stopped speaking on the phone and one Chakuli Rathod informed her father that daughter of informant has hanged herself. Accordingly, the FIR is registered against the applicant, so also, husband of the deceased and other family members.

4] The learned counsel for the applicant submits that the incident dated 08.01.2025 in respect of assaulting to the informant does not corroborate as there is no injury caused to the informant. It is alleged that there is no mention about exact date of demand in the allegation and also there is no mention about exact date of payment in the allegation. He further submits that the husband of the deceased is in custody whereas the husband of the applicant has been granted anticipatory bail and the role of the applicant is not different from the role of the husband of the applicant.

5] *Per contra*, the learned APP points out that the deceased has committed suicide within 5 years of the marriage, and therefore, the death has to be a dowry death. Considering the said fact, the anticipatory bail be not granted in favour of the applicant. He further submits that in the event this Court grants anticipatory bail in favour of the applicant, she may be directed to attend the concerned police station and co-operate with the investigation.

6] Considering the rival submissions, *prima facie* it can be ascertained that the alleged dowry demand is not immediate before the alleged incident and it is at least within two years prior to the date of incident. There are two children born subsequent to the payment of alleged dowry. As regards, the applicant along with other family member assaulted the informant on 08.01.2025, there is no injury on the deceased due to said assault. Considering this aspect of the matter, so also, considering that the husband of the applicant has been granted anticipatory bail, therefore, the role of the present applicant cannot be separated from her husband, on the ground of parity the applicant is granted anticipatory bail in the following terms :

i] In the event the applicant is arrested in connection with Crime No. 10/2025, registered at Loha Police Station, Taluka Kandhar, District Nanded,

for the offence punishable under Sections 108, 80 (2), 3 (5), 351 (2), 352, 85 of the B.N.S., she shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the concerned police station on 25.03.2025 and 26.03.2025 between 10.30 a.m. and 1.30 p.m. 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.

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

8] 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.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC