

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3605 OF 2024

Dipali R. Taware ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Mr. Ujwal Agandsurve for the Applicant.
Mr. S.V. Walve, APP for the Respondent/State .

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CORAM : N.R. BORKAR, J.
DATE : 09.01.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.629 of 2024 registered at Tembhurni Police Station, Dist. Solapur for the offences punishable under Sections 85, 108, 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS).
3. The applicant is the mother-in-law of the deceased. According to the prosecution, the present applicant and other co-accused, i.e., husband of the deceased were ill-treating the deceased as she was not able to conceive. It is alleged that some times the applicant and the co-accused used to beat the deceased. It is alleged that the deceased could not bear the said ill-treatment and on 9.10.2024 committed suicide by hanging herself.
4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

5. The learned counsel for the applicant submits that the deceased was having extra-marital affair and therefore she was not willing to reside at matrimonial home. It is submitted that when the deceased left their house they were not willing to bring back the deceased for cohabitation, however, the parents of the deceased requested them to forgive her and take her back. It is submitted that the parents of the deceased even executed 'Hamipatra' on 3.10.2024 to that effect. It is further submitted that even otherwise there is no need of custodial interrogation and therefore, the applicant may be released on anticipatory bail.

6. On the other hand, learned APP for the respondent/State submitted that the applicant is involved in serious offence of abetment of suicide. It is submitted that the deceased had committed a suicide within a period of two years of marriage. It is submitted that there are specific allegations of ill-treatment against the present applicant. It is therefore submitted that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. I have perused the FIR. There is reference of Hamipatra in the FIR. The explanation given by the complainant in FIR in relation to the said Hamipatra, *prima facie*, does not appear to be probable. Even otherwise, it appears that for about one and half years the deceased and her husband were residing somewhere else and they came to reside with the present applicant just few months before the incident. Considering the overall facts and circumstances of the case, I am inclined to release the applicant

on anticipatory bail. In the result the following order is passed.

ORDER

- A) The Anticipatory Bail Application is allowed.

- B) In the event of arrest of the applicant in C.R. No.629 of 2024 registered at Tembhorni Police Station, Dist. Solapur for the offences punishable under Sections 85, 108, 3(5) of the BNS, she be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

- C) The applicant shall attend the concerned police station from 21.1.2025 to 24.1.2025 between 11 am to 2 pm and shall cooperate in the investigation.

[N.R.BORKAR, J.]