

MHNS010053502022



**Order below Exh. 1 in Criminal Anticipatory Bail**  
**Application No. 1254/2022.**

1. This is an application for anticipatory bail under Section 438 of the Cr.P.C. in C.R.No. I-108/2022 registered against applicant Mina Vasant Bhalerao at Deolali Camp Police Station for the offence punishable under sections 306, 323, 504, 506 r/w section 34 of the Indian Penal Code.

2. In short, the case of the prosecution is that accused no.1 to 3 are husband, brother-in-law and mother-in-law of the sister of the complainant i.e. deceased. It is contended by the complainant that she was abused and assaulted on household reasons and on being fed up she committed suicide. Accused had abated the deceased to commit suicide. Hence, the offence.

3. Applicant has sought pre-arrest bail on the ground that applicant is resident of the address. She is mother-in-law of the deceased. Deceased was married to her son on 13.05.2011 since then there was no N.C. lodged with respect to the harassment. Complaint itself reflects that applicant had treated the deceased properly. She has never caused any mental or physical harassment. No suicide note has been written by the deceased. Ingredient of Section 306 of the IPC are not attracted. Complainant is not a eye-witness and FIR is vague. They are ready to cooperate the investigation and abide by the terms and conditions. Hence, prayed that application be allowed.

5. Say was called of the Investigating Officer. He has objected this application on the grounds that deceased was the sister of the complainant. Parents of the complainant and deceased have expired in the childhood and they were looked after by her aunt. Taking advantage of the condition accused person have caused mental and physical harassment. On being fed up of the harassment she committed suicide under the train. They have to inquire about the cause of the death of deceased. Statement of the witnesses reflect that applicant was harassing the deceased. They have to investigate about the offence which is serious in nature. Hence, prayed that application be rejected.

6. Much arguments was canvassed by the advocate for the accused that vague allegations have been made against the applicant. There is no single N.C. lodged against the accused person to reflect that deceased was harassed. Abatement at the instance of the applicant to commit suicide is not reflected as the marriage has taken in the year 2011. Hence, prayed that pre-arrest bail be granted.

7. On the other hand Ld. APP has objected this application on the count that detail investigation is required to be done for collecting the evidence. Accused persons have caused mental and physical harassment of the deceased. If accused released on bail they will threaten the witnesses. Hence, prayed that application be rejected.

8. Considering the FIR it is seen that husband, brother-in-law and the mother-in-law were assaulting and abusing the deceased. On being fed up of the harassment she has committed suicide. Much arguments was canvas by the advocate of the applicant that not a single N.C. has been lodge against the accused persons. On the considering the FIR it is seen that deceased was making grievance to her family to her

aunt and uncle however they gave understanding and she returned back. It is also seen that after the deceased was assaulted they had gone to Bhagur police station to lodge complaint however, they were given understanding. Hence, it can not be said that no grievance was made against ill treatment. Investigating officer has categorically submitted that they have to investigate about suicide. Hence, prayed that custodial interrogation is necessary in order to inquire about the offence. Investigation is in progress. Considering the nature of offence with which accused are charged are serious in nature. Custodial interrogation is necessary of the applicants. Nothing has been brought to reflect that applicants have been falsely implicated in the crime. Thus, considering the nature of allegations, prima facie case is not made out by applicants for grant of prearrest bail. Hence, I pass the following order :

**ORDER**

1. Application is hereby rejected.

Nashik.  
Date : 19/10/2022.

Sd/-xxx  
(V.S.Malkalpatte-Reddy)  
Additional Sessions Judge,  
Nashik.