

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2137 of 2013

Rajendra Raghunath Gangurde ... Applicant

V/s.

State of Maharashtra ... Respondent

Ms.Smita Gadhiani, Advocate for the Applicant.

Mrs.A.A.Mane, APP for the Respondent State.

CORAM : SMT.R.P.SONDURBALDOTA,J

DATE : 24th DECEMBER, 2013.

P.C.:-

1 The applicant was arrested on 18th August 2013 in C.R.No.128 of 2013 registered with Pimpalgaon Baswant Police Station, Nashik for the offences punishable under section 498A, 306, 323, 504 r/w section 34 Indian Penal Code. The applicant is the husband of the deceased. The complainant is the father of the deceased. Charge-sheet in the case has been filed on 8th November 2013.

2 The brief case of the prosecution is that after the deceased was married to the applicant on 4th March 2008, for the initial few days, she was properly treated, but thereafter there was a demand of Rs.50,000/- made for the purchase of a motor-cycle for the applicant. Three years after the marriage, a son was born to the applicant and the deceased. About 7 – 8 months thereafter, the applicant allegedly assaulted her and threw her out of the house by keeping the son with himself. On 16th August 2013, the deceased committed suicide by hanging herself in the house.

3 Ms.Smita Gadhiani, learned Advocate for the applicant points out that a complaint as regards the very incident, had been made by the deceased to Pimpalgaon Police Station on 3rd April 2013. In that complaint, there is no reference whatsoever to any demand for money. That complaint refers to the addiction of the applicant to liquor. It appears that the Officer at the Police Station had taken initiative in uniting the deceased with the child, and getting the matter resolved. The deceased had then given a writing that she had received the custody of the child and that she would go to the matrimonial home on 7th April 2013. There was also a memorandum

of understanding dated 5th April 2013 executed by the applicant and the complainant. That also refers only to vice of the applicant to addiction to alcohol. In view of the complaint dated 3rd April 2013, the allegations made in the First Information Report of demand for money became a suspect. In any case, in view of filing of the charge-sheet, further custody of the applicant is not required. Application is therefore allowed.

4 The applicant be released on bail in C.R.No.128 of 2013 filed with Pimpalgaon Police Station Pune, for the offences punishable under sections 498A, 306, 323, 504 r/w section 34 Indian Penal Code, in the sum of Rs.10,000/- with one or two sureties in the like amount. The applicant shall attend the concerned police station as and when called by the police. He shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the court or to any police officer. The applicant shall not leave India without the previous permission of the court.

(SMT.R.P.SONDURBALDOTA,J)