

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No. 1373 OF 2015.

**MUNNA @ BHIMRAO RAOSAHEB KALDATE.
VERSUS
THE STATE OF MAHARASHTRA.**

Appearance =>

Mr. Chatterji Chatterji, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 6th April, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No. 10/2015 registered with Police Station, Partur, District - Jalna for the offences punishable under Section.s. 306, 498(A) read with 34 of the Indian Penal Code.

[2] Heard Mr. Joydeep Chatterji, learned counsel for the Applicant and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State.

[3] Mrs. Pratibha Bharad, learned Additional Public Prosecutor has made available the investigation papers.

[4] The First Information Report is lodged on 10th February, 2015 by Parasram Gitaram Chinchane, who is father of deceased Mandabai @ Seema Rajesh Korade, who has committed suicide on 21st December, 2014. It is not in dispute that, present applicant is not at all related to the deceased, either from her parental side or from her matrimonial side. The applicant is resident of village Amba, Taluka – Partur, District – Jalna. According to the First Information Report on 21st December, 2014 there was quarrel between deceased and members of her matrimonial side. That time, the applicant was called there. The allegation is that, that time, instead of resolving the dispute, the applicant has given one slap to the deceased. According to the First Information Report, due to that, she has committed suicide. This particular fact, according to the prosecution is revealed to the First Informant by the deceased herself. Thus case of the prosecution is based on oral Dying Declaration made by deceased to her father.

[5] Since the applicant is not related either directly or remotely to the deceased, prima facie, he cannot be held responsible for the offence punishable under Section 498(A) of the Indian Penal Code. Further assuming that the applicant has given one slap to the deceased, that cannot be treated as “instigation” to the deceased to commit the suicide. In that view of the matter, I propose to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, applicant - MUNNA @ BHIMRAO RAOSAHEB KALDATE shall be released on anticipatory bail on he executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No. 10/2015 registered with Police Station, Partur, District - Jalna for the offences punishable under Section.s. 306, 498(A) read with 34 of the Indian Penal Code.

(iii) Criminal Application is disposed of.

(V.M. DESHPANDE, J.)