

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAILAPPLICATION NO. 150 OF 2015

Santosh Ashok Wagh	...	Applicant
vs.		
The State of Maharashtra	...	Respondents

Mr. Priyal G. Sarda, Advocate for the applicant
Mrs. P.P. Shinde, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 17th February, 2015.

P.C.

Heard. This is an application under Section 439 of the Code of Criminal Procedure, 1973.

2. The applicant is arrested on 29.9.2014 in Crime No.429 of 2014 registered at Chakan Police Station, Pune, for the offences punishable under Sections 366, 366A and 376 of IPC and under Sections 4 and 8 of the Protection of Children from Sexual Offences Act. The investigation is completed and charge sheet is filed. The applicant is also charge sheeted for the offence punishable under Section 306 of IPC.

3. It is the case of the prosecution that on 23.9.2014, Vinu Jaggu Waghmare was admitted in Sassoon Hospital, Pune, with the history of burn

injures. Being a medico-legal case, her statement was recorded by them Police Station officer of Chakan Police Station. She has disclosed before the police that she was in love with the present applicant since Diwali of 013. Just 10 – 12 days prior to 23.9.2014, her mother and brother had learnt about the intimacy between the applicant and the injured. Since they both belong to different castes, her parents and brothers had objected to the said relationship. She was caught at Village Amboli by her brother Vijay Waghire. She was in contact with the present applicant on cellphone everyday. It is alleged that the applicant had suggested that they should elope and get married. On 28.9.2014, the injured came to Chakhan at about 12 noon. From there the applicant and the injured went to Alandi. He stayed at Alandi. On the next day, the applicant is alleged to have called upon some of his friends and they got married at Alandi. From Alandi, they came to the house of the brother of the applicant at Sangamwadi and stayed there. On the same day in the evening, her mother, brothers and sister-in-law went to the house of the applicant and they were making efforts to convince her that she should return to her maternal house. However, she was of the opinion that she had now got married to the applicant and she should continue to stay with him. On the same day i.e. 22.9.2014, it is alleged that the present applicant had expressed that he is not willing to continue cohabitation with her. However, she was of the opinion that since she got married to him, she would stay in the

matrimonial house and insisted upon the same. Thereafter, the applicant had sent a message to her parents and called upon them. He asked her to leave along with her parents at about 4 p.m. Her mother and brothers had taken her to her house with her brother Vijay. She could not tolerate the fact that she was being sent from her matrimonial house after she got married to applicant. She poured kerosene on herself and immolated herself. She was admitted in the hospital with history of burn injuries. She had succumbed to the burn injuries on 26.9.2014. Hence, the applicant has been charge-sheeted for the offence punishable under Section 306 of IPC.

4. The learned counsel for the applicant submits that in fact the applicant had not driven her out of the house or abandoned her, but being fed up by the persuasion of the parents of the deceased, he had called upon them and had asked her to accompany them to her maternal house. It prima facie appears that she felt humiliated and insulted as the applicant had initially insisted upon staying with him and had married him against all odds. It prima facie appears that she has been victim of her own emotions. The investigation is completed and charge sheet is filed. Hence, further incarceration is unwarranted. The applicant has made out a prima facie case for grant of bail.

5. The observations are prima facie in nature and the learned Sessions Court shall not be influenced by the above observations while deciding the application for quashing, for discharge or at the time of trial.

ORDER

The application is allowed. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

Application is allowed and disposed of.

(SMT.SADHANA S.JADHAV, J.)