

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.866 OF 2015

Ramchandra Ganpat Baravkar and Another ... Applicants

vs.

The State of Maharashtra ... Respondent

Mr. Milind Deshmukh, for the Applicants.

Mr. D.P. Adsule, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 22, 2015**

P.C.:

. The application is moved for pre arrest bail. The applicant No. 1 is the father in law and applicant No. 2 is the mother in law of the deceased Monika who apprehends their arrest for the offences punishable under Sections 498(A) and 306 read with 34 of the Indian Penal Code in C.R. No. 148 of 2015 registered with Yawat police station, Pune. The offence was registered at the instance of one Suresh Tamhane, uncle of the deceased Monika on 27th May, 2015.

2. As per the case of the prosecution, Monika lost her parents when she was born. She was looked after by the complainant i.e. her uncle. On 21st April, 2007 she got married with one Sunil Baravkar, the son of applicants/accused. Monika delivered two sons out of their wedlock. However, thereafter the applicants/accused started demanding money telling Monika that she should demand land of her share from the complainant. As per the case of the complainant, Monika was harassed and illtreated continuously on that account. Monika has told about the torture to her uncle. On 2nd May, 2015 she came at her home and informed the complainant that there was a continuous harassment from her in laws and they are insisting her that she should ask her share in the land from the complainant. On 10th May, 2015 in the morning, Monika committed suicide by pouring kerosene on her and setting herself on fire. She was taken to the hospital. However, Monika succumbed to the injuries on 16th May, 2015. Therefore, her uncle Suresh Tamhane gave complaint.

3. The learned counsel for the applicants/accused has submitted that the applicants/accused are innocent. The complainant has falsely implicated these applicants because he had a grudge

against the applicants/accused on account of demand of share in his land. The learned counsel for the applicants relied on the complaint given by applicant/accused No. 1 on dated 25th May, 2015 against the complainant to Kedgaon police station. He submitted that after the death of Monika, the applicants/accused and their son were forced to enter into a Sale Deed of their land in the name of the complainant and one Devidas, a maternal uncle of the deceased Monika. The complainant was pressuring the applicants/accused. They are falsely implicated in this case. He further submitted that both the applicants/accused are old aged and they are attending the police station regularly as directed by this Court.

4. The learned prosecutor opposed the application. He submits that the allegations against the applicants are grave. The deceased has committed suicide as there was continuous torture and illtreatment on account of demand of land falling in the share of deceased. Hence, the application be rejected.

5. Perused the first information report and the complaint dated 25th May, 2015 sent by the applicant/accused against the

complainant to Kedgaon police station, Pune. It appears that this complaint is prior to the complaint given by uncle of the deceased. There is 10 days delay after the death of Monika in giving first information report. However, in between it appears that the complainant has executed a Sale Deed of land belong to the applicants/accused. Considering these facts and as applicant/accused No. 1 is 72 years old and applicant/accused No. 2 is 65 years old lady, I am inclined to confirm the interim pre arrest bail granted earlier by this Court on 24th June, 2015 on the same terms and conditions.

6. The interim pre arrest bail granted to the applicants/accused by this Court on 24th June, 2015 is hereby confirmed on the same terms and conditions.

7. The application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)