

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1175 OF 2015

Dnyaneshwar Vishnu Kale .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.P.G.Sarda, Advocate, for the Applicant
Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 06.10.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks his enlargement on bail in connection with
C.R.No.302 of 2014 registered with the Khed
Police Station, Pune, for the alleged offences
punishable under Sections 498A, 306, 323, 504,
506 r/w.34 of the Indian Penal Code.

3. The deceased Sakhubai Kale was married to the applicant about 32 years prior to the date of the incident. The complainant is the brother of the deceased. He has alleged that the present applicant, who is the husband of the deceased, sons of the deceased and daughter-in-law of the deceased would ill-treat the deceased and even assault her. It is alleged that the accused were demanding Rs.50,000/- from the deceased for payment of loan taken for pipe line and for purchasing potato seeds. He has alleged that as the deceased was unable to fulfil their demand, she was abused and assaulted by the accused. On 28.12.2014, the deceased committed suicide by hanging herself.

4. Learned counsel for the applicant submits that the applicant is aged about 60 years. He submitted that considering the nature of allegations, no offence as alleged is

disclosed. He submitted that even otherwise, investigation is complete and charge-sheet is filed.

5. Learned APP relied on certain statements including the statement of the daughter-in-law of the deceased. She submitted that the said statement reveals the nature of ill-treatment and harassment that was meted out by the accused including the applicant to the deceased.

6. Perused the charge-sheet. The applicant and the deceased were married for 32 years. The allegations are against all the accused, including the applicant. The death of the deceased is no doubt unfortunate, however, considering what is observed by the learned Sessions Judge, charge can be altered at any stage, if it is found that the case is one under

Section 302 and not one under Section 306. However, as on today, considering the peculiar facts of the case and the fact that the applicant is 60 years of age and the fact that investigation is complete and charge-sheet is filed, the applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

(ii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in

accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.