

Anand

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

BAIL APPLICATION NO.1629 OF 2015

Baban Paygude .Applicant

v/s.

The State of Maharashtra & anr. .Respondents

Mrs.Pranali Kakade i/b. Mr.Subhash Hulyalkar,
Advocate, for the Applicant
Ms Veera Shinde, APP, for the Respondent No.1 –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 10.09.2015

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.191 of 2015 registered with the Chakan
Police Station, Pune(Rural), for the alleged
offences punishable under Sections 302, 304B,
498A r/w.34 of the Indian Penal Code, 1870.

3. The complainant is one Ganesh Maruti Ghanwat, the brother of deceased Sheetal. The applicant is the father-in-law of the deceased. Deceased Sheetal was married to the applicant's son Vikas on 09.05.2011. From the said wedlock, a child was born. According to the complainant, the applicant, the mother-in-law, the husband of the deceased, the maternal uncle of Vikas and married sister-in-law of the deceased were harassing the deceased and demanding money. It is alleged by the complainant that the accused were not providing food to the deceased nor were they allowing her to do any household work; and that they were asking her to leave the matrimonial home, so that they could get Vikas married again. According to the complainant, he was informed on 13.04.2015, that his sister had committed suicide by hanging herself. However, after receipt of the post mortem report, an FIR was lodged alleging an offence punishable under

Section 302 amongst other offences. He has alleged that the accused had killed the deceased by throttling her neck.

4. Learned counsel for the applicant states that the entire prosecution case rests on circumstantial evidence. She submitted that the co-accused, who is mother-in-law of the deceased has been enlarged on bail and that the nature of allegations as against the present applicant are identical. She submitted that the applicant is suffering from Schizophrenia and had undergone treatment for the same.

5. Learned APP opposed the bail application. She submitted that from a perusal of the statements of witnesses, it appears that the main allegations are against Vikas, the husband of the deceased who would assault and harass her and also as against the mother-in-

law.

6. Perused the charge sheet. From a perusal of the complaint/FIR lodged by the brother of the deceased and other statements, it appears that the allegations against the applicant are general in nature. The other statements show that the allegations are mainly as against Vikas and his mother.

7. Considering the nature of allegations qua the applicant, who is the father-in-law and the fact that the co-accused i.e. wife of the applicant has been enlarged on bail, the applicant is also 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. 15,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the Chakan Police Station, Pune(Rural) on the first Saturday of every month between 11:00 a.m. to 12:00 noon for a period of 12 months from the date of his release;

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

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

9. 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.