

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

ANTICIPATORY BAIL APPLICATION NO.1849 OF 2015

Amit Harish Malve

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Kuldeep S. Patil for the Applicant for the Applicant.

Ms G.P. Mulekar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 8th DECEMBER, 2015.

P. C. :

This is an application for anticipatory bail filed by the Applicant herein in apprehension of his arrest in Crime No.450 of 2015 registered at Chakan Police Station, Pune, for the offences punishable under section 498A, 302, 323, 504 r/w section 34 of the IPC.

2. Mr. Kuldeep Patil, the learned counsel for the Applicant submits that initially the crime was registered for offence punishable under section 306 of the IPC. Subsequently, in view of the post mortem report section 302 of the IPC came to be added in place of section 306 of the IPC. He has submitted that the Applicant herein is the brother-in-law of the deceased and that he was residing at Shirolu Budruk,

Taluka-Junnar, District-Pune. Whereas the deceased and her husband were residing at Chakan and on the date of the incident the Applicant was not present at the place of the incident. He further submitted that there is absolutely no material on record to show the involvement of the Applicant in causing the death of Usha (the deceased).

3. The learned APP submitted that the FIR prima facie shows involvement of the Applicant. She has further stated that there is role of the Applicant in harassing and subjecting the deceased to cruelty. She therefore, claims that the Applicant is not entitled for bail.

4. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. The records prima facie reveal that the deceased -Usha was married to Sachin, the brother of the Applicant herein on 19.5.2010 and since her marriage she was residing with her husband at Sadguru Complex, Chakan. The records further reveal that said Usha had expired on 23.8.2015. Father of the deceased had lodged FIR on 24.8.2015 alleging that his daughter was subjected to cruelty, due to which his daughter had committed suicide. Based on the said complaint, the above crime was registered for the offences punishable under sections 498A, 306, 504 and 323 r/w. section

34 of the IPC. The post mortem report reveals that there were injuries on the body of Usha. The cause of death was due to asphyxia, secondary to strangulation.

5. The medical evidence therefore, prima facie reveals that the death of Usha was homicidal. The records prima facie reveal that the deceased and her husband were residing separately at Chakan, whereas the Applicant is residing at Junnar. There is no prima facie material to show that the Applicant was present at Chakan at the place of the incident and /or that he had played any role in causing death of Usha. This being the case, in my considered view there is no prima facie material to show the involvement of the Applicant in causing death of Usha. It is stated that the Charge-sheet has already been filed before the Judicial Magistrate, First, Class, Khed- Rajguru Nagar, hence, presence of the Applicant is not required for the purpose of investigation.

6. Under the circumstances, the application for anticipatory bail is allowed on the following terms and conditions:-

- (I) In the event of arrest of the Applicant in C.R.No. 450 of 2015 registered with Chakan Police Station, Pune, the Applicant shall be released on

bail on furnishing bail bonds of Rs.20,000/-
(Rupees Twenty Thousand only) with one or
two sureties in the like amount to the
satisfaction of the Additional Sessions Judge,
Khed at Rajgurunagar.

- (II) The Applicant shall appear before the learned
Magistrate and thereafter before the Sessions
Court on each and every date of the hearing.
- (III) The Applicant shall not interfere with the
complainant or any other witnesses.

(ANUJA PRABHUDESSAI, J.)