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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3750 OF 2016

1. Dinkar s/o Uddhav Phad,

2. Kausabai w/o Dinkar Phad,

Both R/o. Khadgaon, Tq. Gangakhed,
Dist. Parbhani.

3. Rekha w/o Dilip Mundhe
R/o. Rajeev Gandhi Nagar,
Gangakhed, Tq. Gangakhed,
Dist. Parbhani.

..APPLICANTS

VERSUS

The State of Maharashtra
Through Satara Police Station,
Aurangabad, Dist. Aurangabad.

..RESPONDENT

WITH

CRIMINAL APPLICATION NO. 4068 OF 2016

IN

CRIMINAL APPLICATION NO. 3750 OF 2016

Utsav s/o Shivkaran Helambkar,
Age: 29 years, Occ: Service,
R/o. Plot No. 32, Prathavi Nagar,
Gut No. 103, Chate School Road,
Satara Parisar, Aurangabad.

..APPLICANT

VERSUS

The State of Maharashtra & ors

..RESPONDENTS

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Mr S.S. Jadhavar, Advocate for applicants;
Mr C.V. Dharurkar, Addl. Public Prosecutor for
respondent/State
Mr. M.R. Jadhav, Advocate to assist A.P.P.

CORAM : N.W. SAMBRE, J.
DATE : 5th August, 2016

ORDER :

For the reasons stated in Criminal Application No. 4068 of 2016 seeking permission to assist the prosecution, same stands allowed.

2. The applicants are seeking pre-arrest bail in Crime No. 211 of 2016 registered with Satara Police Station, District Aurangabad for the offence punishable under Sections 498-A, 323, 504, 506, 306 read with Section 34 of the Indian Penal Code.

3. Mr. Jadhavar, learned Counsel for the applicants submits that it is not disputed position that applicant Nos. 1 and 2 are father in law and mother in law, whereas applicant No. 3 is sister in law of deceased Rasika. Deceased Rasika was

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married to Kalidas on 5th June, 2008 and is blessed with a girl child. It is alleged that deceased Rasika committed suicide in view of illtreatment meted out to her by all the applicants. As such, crime in question, came to be registered.

4. Mr. Jadhavar, learned Counsel for the applicants submits that applicant Nos. 1 and 2 are residing away from the place of resident of deceased Rasika, as she was residing with her husband and working in Irrigation Department, whereas applicant Nos. 1 and 2 were residing at Khadgaon, Taluka Gangakhed, District Parbhani. So far as applicant No. 3 Rekha is concerned, she is married sister in law of deceased Rasika and is also residing at Gangakhed in Parbhani District. According to him, in view thereof, there is hardly any scope to interfere by the present applicants in the family life of deceased Rasika so as make her to commit suicide.

5. Apart from above, Mr. Jadhavar, learned

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Counsel for the applicants would urge that the marriage of Rasika with son of the applicant Nos. 1 and 2 namely Kalidas took place in 2008 i.e. almost eight years back and as such, prays that the applicants' involvement in the crime in question for the offence punishable under Sections 498-A, 323, 306 of the Indian Penal Code will be of hardly any consequence.

6. Mr. Jadhavar, learned Counsel for the applicant would urge that the deceased Rasika was in extramarital relations with one employee working in her office and complaint to that effect lodged on 17th June, 2016 to the Commissioner of Police, Aurangabad, is not at all investigated into from that angle and as such, involvement of the applicants in the crime in question raises serious doubt. He would submit that the custodial interrogation of the applicants is not required.

7. Learned A.P.P. opposed the application on the ground that the offence in question is based on

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the suicide notes. He would submit that the claim of the applicants as regards extramarital relationship of deceased Rasika was also looked into by the Investigating Officer. According to him, there is sufficient material available on record, particularly the details which are noted by deceased Rasika in diary qua conduct of each of the applicant in meeting out cruelty and illtreatment to her. He would rely upon the entire investigation papers so as to submit that the applicants' prayer for grant of pre-arrest bail is required to be rejected.

8. Perused the entire investigation papers.

9. From the record, it depicts that there is a specific suicide note and it appears to be in the hand writing of deceased Rasika as is apparent from other notes which are seized in relation to the crime in question, which specifically speak of criminal mind of the applicants, particularly applicant No. 3 sister in law.

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10. It is then to be noted that the entire description as regards illtreatment meted out to the deceased Rasika is narrated by her in detail in the suicide notes, which is seized by the Investigating Officer, which speaks voluminous about *prima facie* involvement of the applicants in the crime in question. In my opinion, the said material is sufficient to hold the involvement of the applicants in the crime in question.

11. Apart from above, the investigation as is carried out and statement of one Satish, employee, working in the Irrigation Department that the deceased Rasika speaks voluminous about conduct of the applicants in the matter of meeting out ill-treatment to her.

12. The applicants, in my opinion, have failed to understand the deceased Rasika and her approach in the life. *Prima facie*, I am of the opinion that no case for grant of pre-arrest bail is made out.

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As such, criminal application fails and same stands rejected.

13. Upon request made by learned Counsel for the applicants, prayer for continuation of interim protection is granted for a period of two weeks from today, though same is strenuously opposed by learned A.P.P.

(N.W. SAMBRE, J.)

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