

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 449 OF 2016**

1. Irappa Gurubasu Hipparagi,	
2. Shivanand Irappa Hipparagi	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Umesh R. Mankapure for the Applicants

Ms. Veera Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 1st APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P for the State.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 17 of 2016 registered with the Jath Police Station, Sangli, for the alleged offences punishable under Sections 498A, 304B, 323, 504 and 506 r/w Section 34 of the Indian Penal Code.

3. The complainant is the father of the deceased. He has stated that his daughter was married to Basavraj and that after marriage, Basavraj

was demanding money towards expenses for grape garden. He has stated that pursuant to the demand, two months prior to the incident, he had given a sum of Rs. 50,000/- to Basavraj, however, despite that, Basavraj continued to physically and mentally harass and ill-treat his daughter. According to the complainant, Basavraj and the present applicants were demanding money from the deceased and on account of non-fulfillment of the same, were harassing and ill-treating his daughter. He has alleged that due to the harassment of Basavraj and the applicants, the deceased committed suicide by jumping into an agricultural pond on 23rd January, 2016.

4. Learned Counsel for the applicants submits that the applicant No. 1 is the brother-in-law of the deceased and applicant No. 2 is the son of the applicant No. 1. He states that the applicants were not residing with the deceased and co-accused Basavraj. According to him, it is only in the last paragraph of the FIR, that the names of the applicants have been mentioned. He submitted that the allegations are essentially as against Basavraj and that Basavraj was arrested and subsequently enlarged on bail. He submitted that the order enlarging Basavraj on bail shows, that initially

an A.D was registered, in which the statement of the complainant was recorded, however, no allegations of harassment were made in the said A.D. He It is submitted that not only is there a delay in lodging the FIR, but it appears from the FIR itself, that the same was lodged after consulting an Advocate. He submitted that there is no specific role attributed to the applicants.

5. Learned A.P.P submits that even today, the Investigating Officer is not present.

6. Perused the papers. It appears that the principal allegations are as against the husband of the deceased i.e. Basavraj and only in the last paragraph, the names of the applicants have been disclosed. It also appears that there is no specific role attributed to the applicants and that the applicants were not residing with the deceased and Basavraj, at the relevant time. It also appears that initially an A.D was lodged, however, no allegations of harassment were made in the same.

7. Considering the aforesaid, the application is allowed and the

applicants are granted anticipatory bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each, with one or two sureties in the like amount ;

(ii) The applicants shall report to the Investigating Officer on every Saturday from 10:00 a.m to 11:00 a.m till the filing of the charge-sheet.

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 are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

REVATI MOHITE DERE, J.