

Anand

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

ANTICIPATORY BAIL APPLICATION No.1207 OF 2015

1. Angad Sugriv Nalawade .Applicants
2. Sugriv Vitthal Nalawade
3. Manda Sugriv Nalawade

Vs.

The State of Maharashtra .Respondent

WITH

CRIMINAL APPLICATION NO.810 OF 2015
(For Intervention)

IN

ANTICIPATORY BAIL APPLICATION No.1207 OF 2015

Hanumant Limbraj Murumkar .Intervenor

IN THE MATTER BETWEEN

1. Angad Sugriv Nalawade .Applicants
2. Sugriv Vitthal Nalawade
3. Manda Sugriv Nalawade

Vs.

The State of Maharashtra .Respondent

Mr.Harshad Nimbalkar i/b. Mr.S.H.Nimbalkar,
Advocate, for the Applicants
Mr.D.P.Adsule, APP, for the Respondent – State
Mr.Kuldeep Nikam, Advocate, for the Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 18.04.2016

P.C.

. Heard learned counsel for the Applicants, learned APP for the Respondent – State and the learned counsel for the intervenor.

2. By this application, the applicants seek pre-arrest bail in connection with C.R.No.193 of 2015 registered with the Karmala Police Station, District – Solapur, for the alleged offences punishable under Sections 304B, 306, 498A r/w. 34 of the Indian Penal Code, 1870.

3. According to the prosecution, the applicant No.1 got married to the deceased on 29.01.2015 and that the deceased committed suicide by hanging herself on 31.07.2015. It is alleged that the applicants were demanding Rs.5,00,000/- from the parents of the deceased, for purchase of a plot and on account of non

fulfillment of the same, the deceased was being tortured.

4. Learned APP has filed an Affidavit dated 01.04.2016. It is stated in the said Affidavit that during the course of the investigation, one chit written was found in the house of the deceased and that the said chit was seized under a panchanama and what was written on the palm of the deceased, photographs were taken. It is stated that the specimen handwriting of the accused as well as specimen handwriting of the deceased which was made available by the Complainant's family was collected during investigation and all the said documents alongwith photographs of writing on the palm, as well as a chit which was found, were sent to the handwriting expert for its opinion. As far as the opinion on the writing of the palm is concerned, no opinion is given by the handwriting expert due to absence of

sufficient clarity and sufficient identical characteristics for comparison. He has annexed opinion of the handwriting expert which is on page No.36 of the Affidavit. With regard to the opinion on the suicide note, the opinion shows that it is in the handwriting of the deceased.

5. Learned counsel for the original complainant states that one suicide note was furnished after two days by the brother of the applicant No.2. As far as the writing on the palm of the deceased is concerned, he submitted that no pen was found on the spot.

6. Perused the papers. Admittedly, it appears that the Applicant No.1 was not present in the house at the time of the incident i.e. at the time of the commission of suicide by the deceased. Perused the suicide note. The suicide note allegedly written by the deceased completely exonerates the Applicants. The

opinion of the handwriting expert also shows that the chit is written by the deceased.

7. Considering the aforesaid, the Application is allowed and the Applicants are granted anticipatory bail on the following terms & 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.25,000/- each with one or two sureties in the like amount;

(ii) The applicants shall report to the investigating officer of the Karmala Police Station, District – Solapur on every Saturday between 10.00 a.m. and 11.00 a.m. till the filing of the charge-sheet and thereafter on the 1st Saturday of every month between 10.00 a.m. and 11.00 a.m. for a period of 12 months from today;

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

(iv) The applicants shall inform their latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

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

9. In view of disposal of the Anticipatory Bail Application, the Intervention Application does not survive and the same stands disposed of accordingly.

10. 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)