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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.944 OF 2016

1. Madhukar Vitthal Bhosale	
2. Vijay Madhukar Bhosale	
3. Akshay Madhukar Bhosale	 Applicants
V/s.	
The State of Maharashtra	 Respondent

Mr. R. V. Bansode, for the Applicants.
Mrs. R. M. Gadhvi, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 14th JUNE, 2016.

P.C. :

1. The applicants/accused in Crime No.64 of 2016, for the offence punishable under Sections 306 read with 34 of the Indian Penal Code, registered with Police Station, Koregaon, District: Satara, on 6.4.2016, at the instance of informant Sageeta Vitthal Dhanawade, by this application, are praying for releasing them on bail, in the event of their arrest.

2. Applicant No.1 Madhukar is the father; whereas applicant No.2 Vijay and applicant No.3 Akshay are his sons. Applicant No.2 Vijay married Prajakta, the sister of deceased Pritam and the daughter of informant Sangeeta on 9.11.2014 against the wishes of her parents.

3. Heard learned counsel appearing for the applicants. He argued that though soon after commission of suicide by Pritam at his residential house on 3.4.2016, police arrived at the spot and despatched the dead body for postmortem examination. At that time, no allegations were made against the present applicants. On the third day of the incident, F.I.R. came to be lodged. He further argued that the applicants are not having any criminal antecedents and after registration of this crime, second F. I.R. came to be lodged against them at the instance of Prajakta. The learned counsel as such argued that the applicants are falsely implicated in the crime in question and there is no evidence of inducement to the deceased to commit suicide.

4. As against this, the learned APP submitted that on a day earlier to commission of suicide by Pritam, all applicants had quarrel with him and attempted to kill him by giving dash of tractor. The learned APP submitted that there are statements by eye witnesses recorded during investigation which will prima facie demonstrate serious provocation by present applicants to Pritam, compelling him to commit suicide.

5. Perused the papers of investigation including F.I.R. The sister of deceased married applicant No.2 on 9.11.2014 and the F.I.R. reflects that applicants were subjecting her to cruelty as they could not get any dowry or gold in the marriage. It is averred in the F.I.R. that the applicants

used to threaten deceased Pritam by telling him that in the marriage of Prajakta neither gold nor money was given to them by his family. The informant mother alleged that on 2.4.2016, at about 6.30 p.m, Pritam informed her that he had quarrel with all applicants and applicant No.2 Vijay has attempted to kill him by giving dash of tractor. On the next day on 3.4.2016, his dead body was found hanging by iron angle at the house.

6. Prima facie the death of Pritam is seen to be suicidal. The allegations against present applicants are to the effect that they used to threaten the deceased by pointing out that gold and money was not given to them at the time of marriage of Prajakta. The F.I.R. itself shows that the marriage of Prajakta and applicant No.2 was without the consent of her parents and that after marriage the family of the informant had not kept any relations with matrimonial relatives of Prajakta. The allegation of demand of money and gold by present applicants is required to be viewed in this context.

7. So far as the alleged incident dated 2.4.2016 is concerned, statements of witnesses recorded by the prosecution goes to show that it was applicant No.2 Vijay, who was assaulting Pritam Dhanawade (since deceased) on 2.4.2016. Witnesses have attributed role of attempt to run over the deceased by tractor to applicant No.2 Vijay Bhosale. The witnesses are stating that rest of the applicants were present on the spot.

As such prima facie it seen that by intimidating deceased Primtam, it was applicant No.2 Vijay -the brother-in-law of the deceased had instigated the deceased to commit suicide. The material collected during investigation prima facie does not depict any instigation, provocation or incitement by the other applicants to Pritam to commit suicide. In this view of the matter, I am of the opinion that liberty of applicant No.1 and applicant No.3, who is a student needs to be protected and therefore order.

Order

- i) Application is partly allowed.
- ii) In the event of arrest of applicant No.1 Madhukar Bhosale and applicant No.3 Akshay Madhukar Bhosale, in Crime No.64 of 2016, for the offence under Section 306 read with 34 of the Indian Penal Code registered with Koregaon police Station, District: Satara, they be released on bail on their executing P.R. Bonds in the sum of Rs.5,000/- and on furnishing sureties in the like amounts.
- iii) The application of applicant No.2 Vijay Madhukar Bhosale is rejected.
- iv) As a condition of this order, applicant No.1 Madhukar and applicant No.3 Akshay should not extend any threat, promise or inducement to the persons acquainted with the facts of case so as to dissuade them from disclosing them either to the Court or to the police.
- v) They shall not tamper the prosecution evidence in any

manner.

vi) The applicant Nos 1 & 3 should attend the concerned police station, on 19.6.2016 and 26.6.2016 between 11.00 a.m. to 1.00 p.m.

vii) They should assist the Investigating Officer, in the investigation of crime.

[A. M. BADAR, J.]