

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1078 OF 2016

- | | | | |
|-----|---------------------------------|-------|-------------|
| 1. | Mr. Shivraj Annarao Biradar, |) | |
| 2. | Mr. Nanaguada Revansiddappa |) | |
| | Biradar |) | |
| 3. | Mr. Ravindra Mallinath Gambhire |) .. | Applicants |
| Vs. | | | |
| 1. | The State of Maharashtra |) | |
| 2. | Mrs. Madhuri @ Shobha Sandeep |) | |
| 3. | Mrs. Lalita Chandurao Apchande |) ... | Respondents |

Mr. Priyal G. Sarda, Advocate for the applicant.

Ms. Veera Shinde, APP, for the State.

Mr. Sanjay Jagtap, PI, Sadar Bazar Police Station, Solapur.

CORAM: SMT.SADHANA S.JADHAV, J.

DATE : 17th November, 2016.

P.C.

Heard. This is an application under Section 438 of Cr.P.C. The applicants herein are apprehending their arrest in Crime No.144 of 2016 registered at Pimpri Police Station, Pune, for the offences punishable under Sections 306, 498A, 323, 504 read with Section 34 of the Indian Penal Code.

2. Applicant No.1 happens to be the paternal uncle of Priyanka, whereas applicant Nos. 2 and 3 happen to be the relatives of deceased Priyanka who had committed suicide in her matrimonial home. According to applicant No.1, Priyanka was harassed and ill-treated by the members of the matrimonial family and, therefore, she had committed suicide.

3. As far as the present case is concerned, FIR No.219 of 2016 is registered pursuant to the directions under Section 156(3) of Cr.P.C. issued by the Judicial Magistrate, First Class, Pimpri. The complainant in the present case happens to be the sister-in-law of deceased Priyanka. According to the complainant, the applicants herein were harassing Priyanka for unlawful demands. It is alleged that soon after meeting the present applicants, Priyanka had committed suicide and, according to the complainant, the applicants had instigated and abetted the commission of suicide by Priyanka. In a case under Section 306 of IPC, there are cross complaints by both the parties.

4. As on today, the learned counsel for the respondent Nos. 2 and 3 submits that the accused persons have made it to appear that it is a suicide. According to the complainant, there is no proper investigation by the police. According to the learned counsel for respondent Nos. 2 and 3, the applicants herein had hatched a conspiracy to ruin the family of the complainant and hence the applicants do not deserve pre-arrest bail.

5. All these aspects were considered while granting interim relief. This Court is of the opinion that in the present case, custodial interrogation would not be imperative as Priyanka has committed suicide in her matrimonial home and as on today, there is nothing on record to indicate

that the applicants were present in the matrimonial home of Priyanka when she was found dead. Hence, the applicants deserve to be granted pre-arrest bail.

3. It is made clear that the observations made hereinabove are prima facie in nature restricted to an application under Section 438 of Cr.P.C. and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) In the event of their arrest, the applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

Application is allowed and disposed of in the above terms.

(SMT. SADHANA S.JADHAV, J.)