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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO.1086 OF 2016**

|                          |               |
|--------------------------|---------------|
| Dnyaneshwar Keru Chakave | ..Applicant.  |
| V/s.                     |               |
| State of Maharashtra     | ..Respondent. |

Mr.Sachin R. Pawar for the applicant.

Mr.S.S. Pednekar, APP for respondent-State.

**CORAM : A.M.BADAR, J.**

**DATED : 3RD AUGUST, 2016**

**P.C. :-**

1. Applicant / accused Dnyaneshwar Keru Chakave by this application under section 438 of the Criminal Procedure Code is seeking pre-arrest bail for offences punishable under section 498(A), 306, 434. 504. 506 read with 34 of the Indian Penal Code in Crime No.47/2016 registered with Otur Police Station, District Pune at the instance of his daughter-in-law Ujwala Nilesh Chakave.

2. Heard learned counsel for the applicant / accused. He submits that deceased Nilesh Chakave was the son of the

present applicant. After his suicidal death, widow of his son has lodged the F.I.R. against the applicant. In submission of the learned counsel or the applicant, even if the averments in the F.I.R. are taken as it is, then also no case for offence punishable under section 306 of the Indian Penal Code is made out.

3. The learned APP expresses his helplessness by stating that despite adjourning the matter at his instance on three occasions, the police officers of Otur Police Station, Pune Rural is not responding to him, therefore, he is short of instructions.

4. As the learned APP has expressed his helplessness in the matter and as no order granting ad-interim anticipatory bail was passed in favour of the present applicant, this Court is left with no alternative but to decide the application on the basis of available material on record.

5. Perused the F.I.R. lodged by Ujwala Nilesh Chakave. In her report, Ujwala has stated that she married Nilesh Dnyaneshwar Chakave (since deceased) on 21<sup>st</sup> April, 2015

and after her marriage, her in-laws started quarelling with her husband over issues of household chores. The informant – widow further averred that her in-laws were asking the deceased to work in the field throughout the day. She further reported that thereafter she and her husband left the parental house of her husband and started residing at Shikrapur and thereafter, her in-laws called them to Pargaon for certain rituals. Her in-laws did not allow them to go back to Shikrapur. However, her husband went to Shikrapur for work leaving her at the house of his parents. According to the informant – widow subsequently, her husband came to the house of the present applicant. On 17<sup>th</sup> February, 2016 her husband was assaulted by his father and mother so also brother. This has resulted in commission of suicide by her husband Nilesh Chakave.

6. Even if the averments in the F.I.R. are taken at their face value, then also, it is hard to infer that a father will assault a son with intention that his son should commit suicide. Considering the averments made against the present applicant who is the father of the deceased, his custodial interrogation is not warranted. Hence the order:-

- (i) The application is allowed;
- (ii) In the event of arrest, the applicant / accused in Crime No.47/2016 for the offences punishable under section 498(A), 306, 434. 504. 506 read with 34 of the Indian Penal Code registered with Otur Police Station, District Pune be released on bail on his executing P.R. bond in the sum of Rs.5,000/- with one surety in the like amount;
- (iii) As a condition of this order, the applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him / her from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence;
- (iv) The applicant / accused shall co-operate for expeditious disposal of the trial, if any;
- (v) The applicant / accused shall not commit an offence similar to the offence of which he is accused or suspected of commission;
- (vi) The application is disposed of accordingly.

**(A.M.BADAR, J.)**