

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

CRIMINAL BAIL APPLICATION NO. 1661 OF 2016

Prashant Ramchandra Navale

... **Applicant**

Versus

The State of Maharashtra

... **Respondent**

Mr. Viresh V. Purwant for the Applicant.

Mr. S.H. Yadav, APP for the Respondent/State.

Mr. S.R. Adhatrao, PSI, Barshi City Police Station, Solapur Gramin.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 20TH AUGUST, 2016.

P.C. :

1] Heard the learned counsel for the applicant and the learned APP for the State. Perused the papers of investigation.

2] This is an application under Section 439 of Criminal Procedure Code (CrPC). The applicant herein is arrested on 17.7.2016 in Crime No.267 of 2016 registered at Barshi City Police Station for offence punishable under Sections 306, 498A read with Section 34 of the Indian Penal Code (IPC).

3] It is the case of the prosecution that on 10.7.2016, one Prashant Mundhe lodged a report at the Barshi City Police Station

alleging therein that his sister namely Pratibha was married to the present applicant on 6.5.2013 and the couple is blessed with a son who is named as Shourya. Initially his sister Pratibha was living in a joint family alongwith the mother-in-law, her husband and other members of the family. It is alleged that there was a demand of Rs.10 lakhs from the mother-in-law and the present applicant. It is also alleged that Pratibha was ill-treated on account of demand of dowry. On 8.7.2016, the first informant had contacted his sister wherein she had informed him that the present applicant and the other accused were demanding money and were harassing her on account of non-fulfillment of the said demand. On the same day at about 11.30 am, the present applicant had informed the complainant to come to Barshi immediately. Upon reaching Barshi, the complainant had realized that his sister had expired and her dead body was kept in the house. He was informed that Pratibha had committed suicide by hanging. Hence, the applicant is being prosecuted for offence punishable under Sections 306, 498A read with Section 34 of IPC.

4] The mother of the present applicant had filed Anticipatory Bail Application No.1406 of 2016. This Court had

perused the papers of investigations and had granted anticipatory bail in favour of the matter of the present applicant by order dated 18.8.2016.

5] Perusal of the papers of investigation would reveal that the deceased was not happy in her matrimonial house. It appears that due to disputes between mother-in-law and daughter-in-law the present applicant and his wife (deceased Pratibha) were planning to reside separately.

6] The learned APP submits that the main allegation against the present applicant is that he had informed his wife that she should either bear with the ill-treatment of the mother in law, if she cannot bear the conduct of the mother in law then she should go to her matrimonial house or in the alternative she should commit suicide.

7] According to the learned APP the applicant has committed an offence punishable under Section 306 of IPC. It cannot be said that the applicant had either abetted, instigated or facilitated the commission of suicide by Pratibha. It appears that deceased was not mentally prepared to carry on with the marital relationship due to disputes between her and her mother-in-law. She did not appear to be

happy with her husband as his style of living and attitude differed from her lifestyle and attitude. In view of the above facts the applicant deserves to be enlarged on bail.

8] It is made clear that the observations made herein above are prima facie in nature and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial since the observations are restricted to the application under Section 439 of CrPC.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not tamper with the evidence.
- (iv) The applicant shall report to the concerned police station on every Sunday between 10.00 am to 12.00 noon till the filing of the Charge-sheet.
- (v) The application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)