

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1406 OF 2016

Mangal Ramchandra Navale	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Viresh V. Purwant, Advocate for the applicant.

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

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

CORAM: SMT.SADHANA S.JADHAV,J.

DATE : 18th 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. The applicant is being prosecuted for the offence punishable under Sections 306, 498A read with Section 34 of IPC in Crime No.267 of 2016 registered at Barshi City Police Station, Taluka Barshi,
3. It is the case of the prosecution that on 10.7.2016, Prashant lodged a report at the police station alleging therein that his sister namely Pratibha was married to the son of the present applicant. On 6.5.2013, the couple is blessed with a son who is named as Shourya. It is alleged that there was a demand of Rs.10 lakhs from the matrimonial family of his sister. It is

alleged that the present applicant, her husband and her son had ill-treated Pratibha on account of demand of dowry. It is further alleged that on 8.7.2016, at about 8.40 a.m., the complainant had called upon his sister wherein she had informed him that the present applicant and the other accused were demanding money from him and were harassing on the said count. The complainant had informed his sister that he would meet her at the earliest. However, at about 11.30 a.m., the son of the present applicant i.e. the husband of Pratibha informed the complainant to come to Barshi immediately. The complainant rushed to Barshi. When he entered the house of the present applicant, he realized that his sister had expired and her dead body was kept on the ground. He learnt that his sister had committed suicide by hanging. hence, according to the complainant, the applicant and the co-accused had abetted the commissin of suicide.

4. The learned counsel for the applicant has placed reliance upon the messages exchanged between the husband of the deceased and the deceased a month prior to the incident which would indicate that there were no cordial relations between the husband and wife.

5. The learned APP has also relied upon the messages exchanged between the deceased and her friend wherein she had made specific allegations against the present applicant and had informed her friend that

the present applicant does not like her son talking with the deceased. That she is insisting upon them to live separately. It is alleged that the deceased was subjected to cruelty and ill-treatment at the hands of the present applicant not specifically on account of demand of dowry, but due to domestic chores. The message dated 22.6.2016 sent by the deceased to her friend indicates that her husband i.e. the son of the present applicant had given her two options – to bear with the ill-treatment or go to Vadgaon or if both things are not possible should should commit suicide. The message also indicates that there was no intimate relationship between the husband and wife. The deceased had admitted to her friend that her style of living or her expectations are not fulfilled by the husband. There is a difference in their attitude as well. The deceased was insisting upon her husband to reside separately along with her and her son. The record also indicates that on 7.7.2016, the deceased had informed her friend that there was a quarrel between the mother-in-law and the daughter-in-law on the ground that the present applicant was taking Shourya somewhere. However, the same was objected by the deceased. The applicant had also claimed rights over the grandson and that there was altercation wherein the deceased had returned abuses and there was an altercation. The deceased had also told the present applicant that she should not touch Shouriya. She had also informed her

friend at 10.10 p.m. that the couple is likely to move out of the house next day.

6. Taking into consideration the nature of allegations levelled against the present applicant, it appears that there was ill-treatment to the deceased at the hands of the present applicant. However, those allegations would pertain to an offence punishable under Section 498A of IPC. At present, it cannot be said that the applicant had abetted, instigated or facilitated the commission of suicide by Pratibha. hence, the applicant deserves to be protected under Section 438 of Cr.P.C.

7. It is made clear that the observations made hereinabove 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 438 of Cr.P.C.

ORDER

- (i) The application is allowed.
- (ii) In the event of his arrest, 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
- (iii) The applicant shall report to the concerned police station as

and when called.

The application is allowed and stands disposed of.

(SMT.SADHANA S.JADHAV, J.)