

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
**CRIMINAL BAIL APPLICATION NO. 1867 OF 2016.**

|                                 |     |            |
|---------------------------------|-----|------------|
| 1. Annasaheb Tammanna Kurane    | )   |            |
| 2. Sou. Sunita Annasaheb Kurane | )   | Applicants |
| Vs.                             |     |            |
| The State of Maharashtra        | ... | Respondent |

Mr. A. P. Mundargi, Senior Counsel i/b. Mr. Umesh R. Mankapure, Advocate  
for the applicants.  
Mr. R. M. Pethe, APP, for the State.

**CORAM: SMT. SADHANA S. JADHAV, J.**  
**DATE : 23rd September, 2016.**

**P.C.**

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 7.8.2016 in Crime No. 281 of 2016 registered at Miraj City Police Station.

2. It is the case of the prosecution that Ravindra Patil lodged a first information report at the police station on 7.8.2016 alleging therein that his sister Swati was married to Amar Kudache in the year 2010. The couple is blessed with a daughter. A discordant note had struck between the husband and wife. That according to the complainant, on 17.6.2016 and

20.6.2016, the son of the present applicant had ravished his sister against her will. However, thereafter his sister Swati was residing in the farm house of the applicant. Initially, on 6.7.2016, the sister of the first informant had filed a report at Miraj City Police Station alleging therein that the son of the present applicant had ravished her against her will. It was stated by her that the son of the applicant had met her on the way and had offered to drop her at her uncle's house and had instead taken her to his own farm house. She had also alleged that on 20.6.2016, she had disclosed to the applicant and her husband about the act of their son. The applicant was also shown as an accused in the said offence.

3. It is pertinent to note that Swati had committed suicide in the farm house of the applicant. The learned Senior Counsel for the applicant rightly submits that charge under Section 376 of IPC is levelled against the son of the applicant. However, it is pertinent to note that even after the said act, the deceased had continued to stay in the house of the applicant. There is no prima facie evidence to show that the applicant herein had facilitated, instigated or abetted the commission of the suicide by deceased Swati. The applicants herein are the parents of Amit Kurane who is alleged to have committed an offence under Section 376 of the IPC against the deceased

Swati. They cannot be held responsible for the suicidal death of Swati and therefore, they deserve to be enlarged on bail as they are in jail for more than 45 days.

4. The observations made hereinabove are prima facie in nature and shall not be considered by the learned Sessions Court at the time of trial ,

**ORDER**

- (i) The application is allowed.
- (ii) 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.

**(SMT.SADHANA S.JADHAV, J.)**