

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1617 OF 2016

1 Daljitsingh Ghansham Parmar.
2 Harindrasingh(as mentioned in
FIR Harjitsingh).
3 Ghanshamsingh Parmar.
4 Urmila Ghamshamsing Parmar. ... Applicants.
Versus
The State of Maharashtra. ... Respondent.

Mr. Abhishek R. Avachat, advocate for Applicants.

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

Mr. A. Kareem Pathan, advocate for original complainant.

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

P.C.:

1 Heard the learned Counsel for the applicants, learned counsel for the complainant and the learned APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their arrest in Crime No. 513 of 2016 registered at Shirur Police Station for offence punishable under Section 498A, 306, 504, 506 r/w. Section 34 of the Indian Penal Code. The applicant No. 1 and 2 happens to be the brother-in-law of deceased Priyanka whereas the applicant Nos. 3 and 4 are the in-laws of deceased Priyanka.

3 It is the case of the prosecution that Priyanka had committed suicide by hanging. The post mortem notes also show that it is a case of suicidal hanging. It is alleged that the present applicants were ill-treating and harassing Priyanka on various count. The learned Counsel for the applicant submits that the applicants were residing separately and had no concern with the matrimonial relations between Shivkumar and Priyanka.

4 It is the case of the prosecution that Priyanka had committed suicide on 27/8/2016 and in the midnight at about 3 a.m. Shivkumar

had woke up his neighbour and informed her that Priyanka had committed suicide in the house. It is the case of custodial death. As far as Shivkumar is concerned, he was arrested and has been enlarged on bail under section 167(2) of the Code of Criminal Procedure, 1973.

5 The applicants herein were granted ad-interim relief vide order dated 20/9/2016. It is not the case of prosecution that they have committed breach of conditions. Prima facie it cannot be said that they had abetted, instigated, facilitated commission of suicide. Hence, the order dated 20/9/2016 deserves to be confirmed in favour of the applicants.

6 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 438 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of trial.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in crime No. 513/2016, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each and one or more sureties in the like amount.
- (iii) The applicants shall report to concerned police station as and when called and cooperate with the investigating agency to the best of their capacity.
- (iv) The applicants shall not tamper with the evidence.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)