

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2062 OF 2016

Sanjay Dagdu Thorat	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Aashish Satpute, Advocate for the applicant.
Mr. Rajan Salvi, APP, for the State.

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

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 22.3.2016 in Crime No.157/2016 registered at Yavat Police Station, District Pune. The investigation is completed and charge sheet is filed. The applicant has ben charge-sheeted for the offences punishable under Sections 306, 323 498A, 504, 506 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that the present applicant got married to Vidya 14 years ago. That on 21.3.2016, brother of Vidya i.e. Ravindra Mhaske lodged a report at the police station alleging therein that

there used to be intermittent quarrels between the mother-in-law Smt. Savita Mhaske and his sister Vidya on trifling domestic chores. It is also alleged that Vidya used to be assaulted by members of her matrimonial family and they were demanding money for buying a four-wheeler. That her sister-in-law Vandana and her husband were coercing Vidya to get a share in her agricultural land and that Vidya had flatly refused.

3. On 20.3.2016, Vidya had called upon the first informant and informed him that her husband i.e. the present applicant and her mother-in-law had assaulted her. She had called upon her brother to meet her by the river-side. The first informant had convinced her that he would talk to her husband.

4. On 21.3.2016 at about 4.30 p.m. the first informant received a phone call from Ram Dnyaneshwar Thorat who informed him that Vidya was serious and therefore, all the family members of the first informant went to her matrimonial house. There they learnt that Vidya had expired. She had committed suicide by hanging. According to the first informant, Vidya could not take the ill-treatment and assault any more and hence committed suicide. On the basis of the said report, Crime No.157 of 2016

was registered and the applicant was taken into custody.

5. In the course of investigation, the investigating officer had recorded the statement of Ram Thorat on the basis of the information of the first informant. He happens to be the first cousin of the present applicant. he has specifically stated that there used to be quarrels between mother-in-law and daughter-in-law quite often. For some time, mother-in-law of Vidya had been to Alandi and she was staying there, but after a passage of time, she returned home and again there used to be quarrels between mother-in-law and daughter-in-law. The applicant being fed up with the said quarrel had also attempted to commit suicide and had consumed poison and thereafter the mother-in-law of Vidya i.e. mother of the applicant had started residing with her daughter Vandana. Vandana had then issued notice to the applicant for partition and separate possession and had claimed her inheritance rights and therefore, that had again given a cause for quarrel in the house.

6. Upon perusal of the post-mortem notes, it appears that the deceased Vidya had sustained as many as five abrasions just before her death and they are all reflected in column No.17 of the post-mortem notes.

The prosecution has substantiated the contention in the first information report that Vidya was assaulted just prior to her death and had informed her brother about the same a few hours before she committed suicide.

7. The learned APP submits that it is clear from the post-mortem notes and the inquest panchnama that the applicant had assaulted Vidya and that had given a cause for committing suicide,.

8. The learned counsel for the applicant submits that the applicant could be prosecuted for the offence punishable under Sections 498A and 324 of the Indian penal Code. According to the learned counsel, it cannot be said that the applicant had abetted, instigated or facilitated the commission of suicide. She had called upon her brother. The learned counsel for the applicant rightly submits that after 14 years she could have had some patience to wait for her brother, but she chose to commit suicide and the applicant cannot be blamed for the same as at one stage he had also attempted to commit suicide.

9. Be that as it may, the applicant has been in custody for more

than six months and there is no possibility that the trial may commence at the earliest. In view of this, the applicant deserves to be enlarged on bail.

10. The observations made hereinabove are restricted to an application under Section 439 of Cr.P.C. and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount.
- (iii) The applicant shall report to the concerned police station on first Sunday of each month till framing of charge.

Application is allowed and disposed of.

(SMT. SADHANA S.JADHAV, J.)