

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2077 OF 2016

Bapu Narayan Kamble	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr.V.V.Purwant, i/b. Mr. Yogiraj B. Purwant, Advocate for the applicant.
Mr. Prashant Jadhav, APP, for the State.
Mr. Khandekar Ravindra pandurang, API, Vairag Police Station present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 13th December, 2016.

P.C.

Heard. This is an application under Section 439 of Cr.P.C.
The applicant herein is arrested on 17.7.2016 in Crime No.157 of 2016 registered at Vairag Police Station, Barshi for the offences punishable under Sections 306, 498A read with Section 34 of the Indian Penal Code. The investigation is completed and charge sheet is filed on 14.9.2016.

2. It is the case of the prosecution that the applicant herein was married to Shubhangi in the year 2005. That the couple was blessed with two sons and a daughter. The daughter is about 9 years old, whereas the

sons are 7 years and 6 years old respectively. On 15.7.2016, at about 8.30 p.m., the father of Shubhangi i.e. Shivram Dhondiba Chaudhary received a telephonic information that Shubhangi has got convulsions and that she is admitted in Jagdalemama Hospital at Barshi. The father of Shubhangi reached the hospital along with his relatives. He saw an Ambulance parked in front of the hospital. At about 9.15 p.m., his wife informed him that Shubhangi has expired. The post-mortem was performed on the dead body of Shubhangi and it had transpired that she had committed suicide by consuming poisonous substance. On 16.7.2016, the father of Shubhangi namely Shivram Dhondiba Chaudhary lodged a report at the police station and informed the police that Shubhangi was being harassed and ill-treated by her in-laws and her husband on the ground that she had not fetched sufficient money from her parents. It appears that the applicant had no employment and that he was preparing idols. It is stated in the FIR that some time in the year 2012, Shubhangi had insisted upon her parents to give Rs.2 lakhs to her husband as he wanted to purchase a house at Vairag. The father of Shubhangi had given Rs.2 lakhs to her mother-in-law Laxmibai Kamble. The harassment had still continued. At one stage, the applicant had left his wife and children in the house of the first informant on the ground that there were quarrels within the family due to financial

stringency. Shubhangi and her children had lived with the first informant for almost one year. Thereafter, she had returned to her matrimonial home and was being harassed and ill-treated by all members of her matrimonial family. The compilation of the charge-sheet show that Kalpana wife of Harish Kamble ie. the brother of the present applicant had also withdrawn herself from the matrimonial home on the ground that she was also being harassed and ill-treated by all members of her matrimonial family for fetching money from her parents.

3. The learned counsel for the applicant submits that the sole purpose of the quarrel within the family was economic stringency and that the applicant had never nurtured any intention to drive her to commit suicide. It appears that Shubhangi had committed suicide as she could not cope up with the financial stringency. It cannot be said that the applicant had abetted, instigated or facilitated the commission of suicide. The co-accused are enlarged on bail. The allegation against all the accused is similar in nature. The applicant deserves to be enlarged on bail.

4. However, the observations made hereinabove are restricted to

an application under Section 439 of Cr.P.C. as investigation is completed and charge sheet is filed 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.25,000/- with one or more solvent sureties in the like amount.
- (iii) The applicant shall report to the Vairag Police Station on first and 3rd Sunday of each month till framing of charge.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)