

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2061 OF 2015

Sachin Dnyaneshwar Kale	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Priyal G. Sarda, Adv. for the applicant.
Mr. D.P. Adsul, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 15th January, 2016.

P.C. :

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Sessions Case arising out of Crime No.302 of 2014 registered at Khed Police Station, Pune for offences punishable under Sections 498(A), 306, 323, 504 & 506 r/w. 34 of the IPC.

2. Heard Mr. Sarda, the learned counsel for the applicant and Mr. Adsul, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The applicant herein is the son of the deceased Sakhubai

Kale who had committed suicide on 28th December, 2014. The deceased was married to Dnyaneshwar Kale about 32 years prior to the date of the incident. The brother of the deceased had lodged the FIR alleging that the deceased was subjected to cruelty by her husband, her children and the daughter-in-law. It is alleged that the applicant and the other co-accused were demanded Rs.50,000/- from the deceased for repayment of loan amount. Pursuant to the said FIR lodged by Lahu Walunj, the aforesaid crime came to be registered.

4. At the outset it may be mentioned that the co-accused, who are placed in similar situation have been granted bail. Hence the applicant will be entitled for bail on the ground of parity.

5. Be that as it may, the material on record prima facie indicates that the applicant and the other co-accused had abused and assaulted the deceased. The FIR does not attribute any specific role but makes general allegations against all the accused. It is indeed true that Sakhubai had committed suicide by hanging. Needless to state that every suicide is not an offence punishable under Section 306 of IPC. In the instant case, there is no prima facie material to indicate that the applicant had aided or abetted the suicide by

committing any act as envisaged under Section 107 of IPC. Suffice it to say that these prima facie expressions are not on the merits of the case.

6. Under the circumstances, the applicant is entitled for bail. Hence the application is granted under the following terms and conditions.

1. The applicant be enlarged on bail, on executing PR bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
2. The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(ANUJA PRABHUDESSAI, J.)