

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

CRIMINAL BAIL APPLICATION NO.2461 OF 2016

Rajendra K. Pise.

.....Applicant

V/s.

The State of Maharashtra.

....Respondent

...

Mr. Sayaji D. Nangrei/b Mr. Suraj P. Nangare for Applicant.
Mr. S.S. Pednekar, APP for the State.

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CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 16th DECEMBER, 2016.

PC :

1) Heard. This is an application under section 439 of Cr.PC. The applicant herein is arrested on 29.09.2016 in Crime No.522 of 2016 for the offences punishable under sections 306, 320, 504, 506 of the Indian Penal Code.

2) It is the case of the prosecution that on 29.09.2016, Anita Santosh Sonavne lodged a report at the Police Station alleging that she

happens to be the daughter of Latabai Guralkar (deceased). It is the case of the first informant that her mother was working as an agricultural member with the present applicant for the past 17 years. It is also stated that she is to reside on the said agriculture. It is also stated that she had intimate relations with the present applicant. It is stated that all the relatives were aware of the fact that there are sexual relations between the present applicant and the mother of the first informant. It appears that Latabai was demanded two acres of land from the present applicant as she was working with him for almost 17 years. According to the informant, the applicant used to assault Latabai under the influence of alcohol and she was informed the said fact by her brother. He has given several incidence of ill treatment to her mother at the hands of the present applicant. It is stated that, the applicant had refused to give the part of two acres of land in favour of Latabai. On 01.09.2016, Latabai has withdrawn herself from the house of Vakkil Vasti. That all the relatives searching for her. On 16.09.2016, the dead body of Latabai was found in the well of Yogesh Dadasaheb Dhongre. According to the complainant, her mother had committed suicide since applicant has refused to give two acres of land to her. It is the case of the prosecution that on 2.8.2016, the applicant maul the slap Latabai while

they were quarreled, she had therefor left the house and her dead body was found in the well on 16.09.2016. The dead body was decomposed. The postmortem notes indicate that the cause of death was “cardiac attack due to drowning”. It is in these circumstances, that the applicant is being prosecuted for the offence punishable under section 306 of the Indian Penal Code.

3) Taking into consideration the papers of investigation and recitals of the first information report, it appears that, there was intimate relations between Latabai and the present applicant and that being annoyed with the applicant she had left the house on 1.9.2016 and that she had committed suicide as the cause of death is drowning. It cannot be said that the applicant had abetted, instigated or facilitated her to commit suicide during the period 1.9.2016 to 15.9.2016. Hence, the applicant deserves to be enlarged on bail.

4) The observations are restricted to an application under Section 439 of Cr.P.C. and shall not be taken into consideration 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 solvent sureties in the like amount.
- (iii) The applicant shall report to the concerned Police Station as and when called.
- (iv) The application is allowed in above terms and stands disposed of.

(SMT. SADHANA S. JADHAV, J.)