

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

CRIMINAL BAIL APPLICATION NO.2471 of 2016

Mahavir Balasaheb Shinde

.....Applicant

V/s.

State of Maharashtra

....Respondent

...

Mr.V.V. Purwant, Advocate for Applicant.

Mr. R.M. Pethe, APP for the State.

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**CORAM : SMT. SADHANA S. JADHAV, J.**

**DATED : 14<sup>th</sup> DECEMBER, 2016.**

**PC :**

1) Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 28.09.2016 in Crime No.459 of 2016 registered at Karmala Police Station. The investigation is completed and charge sheet is filed on 10.11.2016 against the applicant for the offences punishable under sections 306,504, 506 of Indian Penal Code and section 3(2)(va) of S.C. & S.T. (Prevention of Atrocities) Act 1989.

2) It is the case of the prosecution that on 28.09.2016, Ramesh Sasane reported to the Police that on 27.09.2016, he had received a phone call from his nephew Satish Prakash Sasane informing him that, his daughter Komal had consumed poison and was lying unconscious in her house. Ramesh Sasane is working in the office of PWD Karmala. After he received the news, he had come to village Jategaon where his daughter had committed suicide. On 28.09.2016, when Ramesh Sasane reached his house, he saw his daughter moaning in pain. He enquired with her. Upon enquiry, she disclosed to him that Mahavir Shinde had been to her house, he threatened her. She got scared and therefore she consumed poison. It is alleged in the report that, the present applicant was stalking his daughter for quite some time and therefore she had discontinued her education. It is also alleged that, a fortnight prior to 28.09.2016, Mahavir Shinde had raised quarrel with his daughter at S.T. stand. She had disclosed the said facts to her father but he could not lodge report. On the basis of report, crime No.459/2016 was registered against the present applicant. Initially, AD. No. 83/2016 was registered and it appears that, scene of offence panchanama and the inquest panchanama were conducted in the said AD enquiry. It is possible that the

statement of the first informant must have also been recorded in AD enquiry, but it does not find place in the compilation of the charge sheet.

3) Learned counsel for the applicant submits that there is no material on record to primarily indicate that the present applicant has instigated, abetted or facilitated the commission of suicide. Learned APP has drawn the attention of this Court to the statement of Ramesh Sasane who has disclosed that on 27.09.2016, he had learnt from Satish Sasane that Komal was suffering from abdominal pain. When he came home, he saw Mahavir Shinde leaving the place.

4) The applicant has been in custody for almost more than three months. The investigation is completed and charge sheet is filed. Hence, the applicant deserves to be enlarged on bail.

5) It is made clear that 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 Karmala Police Station on 1<sup>st</sup> Sunday of each month till framing of charge.

Application stands disposed of.

**(SMT. SADHANA S. JADHAV, J.)**