

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 4840 OF 2017

Dhondibhau Lakshman Sabale

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. R.K. Temkar, Advocate for applicant.

Mr. A.D. Namde, A.P.P. for respondent - State.

....

CORAM : V.L. ACHLIYA, J.

DATED : 23rd NOVEMBER, 2017

ORDER :

1. The applicant lying arrested in connection with offence u/s 306, 498-A, 323, 504, 506 r/w 34 of I.P.C. registered vide C.R. No. I-54 of 2017 with Akole Police Station, Dist. Ahmednagar, has preferred this application seeking release on bail.

2. Heard the learned Counsel for the applicant and the learned A.P.P. for State. Perused the copy of charge-sheet.

3. In short, it is the contention of the learned Counsel for the applicant that if the evidence gathered by the prosecution is taken into consideration, it make out no case to attract offence u/s 306 of I.P.C. Learned Counsel submits

that as many as ten persons are made accuse on the basis of complaint lodged by the informant – father of the deceased. He submits that the deceased died on 20th April, 2017. Complaint was lodged on 22nd April, 2017 i.e. after two days of in the incident. Not only married sisters of the applicants and their husbands, but friends of the applicant are also implicated in the case. In the background of the allegations made in F.I.R. and implication of ten persons as accuse in the case, the learned Counsel submits that it exposes the tendency on the part of informant to make false allegations and rope in the applicant, his relatives as well as friends in false case. He submits that except present applicant, all other accuse are granted bail. The applicant is lying in jail since April 2017. Investigation is completed. Charge-sheet is already filed. It is contended that the applicant is having deep roots in the society. He is having ten acres of irrigated land. His three and half year's son is now living with his sister – accuse no.3. There is no one in his family to take care of his child as well as agricultural land. He submits that it will take long time to proceed with the trial. In this background, the learned Counsel urged to release the applicant on bail.

4. On the other hand, the learned A.P.P. opposed the application with contentions that the deceased was brought back from her parent's house a day prior to date of incident. After bringing deceased at his house, the applicant

subjected her with ill treatment and harassment. The applicant was carrying suspicion against the deceased. Due to his suspicious behavior, he always ill-treat deceased. Due to continuous ill-treatment and harassment at the hands of applicant, the deceased left with no option except to commit suicide. He submits that there is sufficient evidence to establish the abetment of commission of suicide by the deceased by the applicant. He further submits that if the applicant is released on bail, there is every likelihood that he may be pressurise the prosecution witnesses.

5. On due consideration of the submissions advanced in the light of the nature of offence and overall facts of the case and without commenting as to merits of the case and prosecution, I am of the view that the applicant deserves to be released on bail. Maximum punishment provided for offence u/s 306 of I.P.C. is sentence not more than ten years. Investigation is already completed. Charge-sheet already filed. It will take longtime to proceed with the trial. The applicant is having three and half year old child. Except the applicant, there is no one in his family to take care of the child. It is not desirable to keep the applicant behind the bars till conclusion of trial. Looking to the huge pendency, it will not be possible to conclude the trial in near future. Considering the fact that witnesses cited by the prosecution are mostly the relatives of the deceased, there is no possibility of the witnesses

being pressurised. The applicant claims to be the owner of ten acres of irrigated land. In this view, the applicant is having deep roots in the society. There is no likelihood that the applicant may abscond. I am therefore inclined to allow the application. Hence following order :-

ORDER

- (i) Application is allowed in terms of prayer clause (B).
- (ii) Applicant be released on bail in connection with offence u/s 306, 498-A, 323, 504, 506 r/w 34 of I.P.C. registered vide C.R. No. I-54 of 2017 with Akole Police Station on his furnishing bail in the sum of Rs.15,000/- with one surety in like amount on following conditions :-
 - (a) Pending disposal of trial, the applicant shall attend Akole Police Station on last day of every month in between 10 a.m. to 11 a.m. to record his appearance.
 - (b) The applicant shall not indulge into act amounting to tampering of prosecution witness and similar in nature.
 - (c) The applicant shall furnish the names and address of his three close relatives alongwith their contact numbers.

(iii) In the event of breach of any of the condition, bail granted to the applicant shall liable to be canceled.

(iv) Bail to be furnished before the trial Court.

(v) Application stands disposed of in above terms.

(V. L. ACHLIYA, J.)

SSD