

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 516 OF 2017

1. Chandrakant Vadivel ChettiyaApplicants
2. Vadivel Chinnaswami Chettiya @
Subramaniam Chinnaswamy Shetty

V/s.

The State of MaharashtraRespondent

Ms. Mallika Ingale Advocate for Applicant.
Mr. M. G. Patil APP for the State.
Mr. J . D. Saroj, PSI Charkop Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 10th MARCH, 2017.

PC :

1) Heard. This is an application under section 439 of the Code of Criminal Procedure, 1973. Applicants herein are arrested on 17/01/2017 in crime no. 25 of 2017 registered at Charkop Police Station for offence punishable under sections 498 (A), 306, 323, 504 r/w 34 of the Indian Penal Code.

2) At the outset, the learned counsel for the applicant upon instructions submits that at present she would not press the application of applicant no. 1

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as he happens to be the husband of the deceased. As far as applicant no. 2 is concerned, he is father-in-law of deceased Reena. Reena was not residing in the joint family along with applicant no. 2. She has committed suicide in the house where she was residing. In view of this, application filed by applicant no. 1 stands dismissed as not pressed. It is made clear that application in respect of applicant no. 1 is not heard on merits.

3) As far as applicant no. 2 is concerned, it appears that his son i.e. applicant no.1 got married to Reena on 22/10/2004. That on 17/01/2017, mother of Reena namely Rajeshwari Chetti lodged a report at the police station that after sometime of marriage, her daughter was being harassed by her husband and other members as they were coercing her to fetch dowry. Reena had informed about the same to her parents. It is alleged that 5 years prior to the incident an amount of Rs. 1 Lac was also given to the husband of Reena. On 16/01/2017, complainant had invited her daughter for lunch. The daughter of Reena namely Ria had gone to the house of the complainant directly from school. Reena had not returned to her mother's house and therefore, they made queries about her. They had deputed her nephew to the

house of Reena. The door was found locked from inside. Nephew had an extra key in her custody and the door was opened with the help of spare key. It was noticed that Reena had hanged herself on the mezzanine floor of the house to the rafter. According to the complainant, Reena was fed up with harassment and cruelty meted out to her and hence, she had committed suicide.

4) Upon perusal of papers of investigation it appears that applicant no. 2 was not residing with Reena and Chandrakant. Hence, *prima facie* it cannot be said that applicant no. 2 must have abetted, facilitated or instigated Reena to commit suicide. Applicant no. 2 is 60 years old. This Court is of the opinion that applicant deserves to be enlarged on bail. However, it is made clear that observations made herein above are restricted to an application under section 439 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

(i) Application of applicant no 1 stands dismissed as not pressed.

- (ii) Application of applicant no. 2 is allowed and he be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more local solvent sureties in the like amount.
- (iii) Applicant no. 2 shall report to the concerned policed station on first Sunday of each month till filing of the final report.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)