

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 518 OF 2017

Manoj Ashok Kshirsagar

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr. Sandeep S. Ladda, Advocate for the Applicant.

Mr. Rajan Salvi, APP for Respondent – State.

Mr. A.P. Mhatre, A.P.I., Adgaon Police Station, Nashik City present.

Mr. Kalantri P. Ramnanayar, Advocate for the complainant.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **24th March, 2017.**

P.C.:

This Application is moved for anticipatory bail under section 438 of Cr. P.C. The applicant-accused is apprehending arrest in C.R. No. 65 of 2017 registered with Adgaon Police Station, Nashik for the offences punishable under sections 304B, 306, 498A, 406, 423, 504 & 506 r/w. 34 of the Indian Penal Code. The offence is registered at the instance of Kalpana Jadhav, mother of deceased Ashwini.

2. It is the prosecution that Ashwini Anil Jadhav got married with the applicant/accused on 25th March, 2016 at Nashik. The applicant/accused is B.A.M.S. and M.S. It is the case of the prosecution that at the time of marriage, it is informed that the applicant/accused is a surgeon and working in Civil Hospital,

however, it is not true. After marriage, she started residing with her husband. At the time of marriage, she was doing her nursing course and after marriage, the applicant/accused did not allow her to pursue her studies. There was continuous demand of Rs.40,00,000/- to construct the hospital. She was harassed by the applicant/accused and other family members. They took away her ornaments. On 7th January, 2017 she was sent to her maiden home. There was continuous demand of Rs.40,00,000/- which her father could not comply with. On 26th February, 2017 Ashwini informed her father that she has been continuously receiving phone calls from her husband and there was demand for money to construct the hospital. On 27th February, 2017 she hanged herself and committed suicide. Thereafter the mother of the deceased gave complaint on 28th February, 2017 against the husband/applicant.

3. The learned counsel for the applicant/accused has submitted that the allegations are false. The applicant/accused is innocent. There was no demand of money. As per the case of the complainant, deceased was staying away from the applicant/accused nearly for 52 days, hence there was no immediate inducement or abetment to commit suicide. The deceased has committed suicide in her maiden home. The learned counsel further submitted that the

alleged call made by her one or two days prior to her death cannot be called a proximate cause for abetment of suicide. The learned counsel further submitted that the deceased had pre-marital affair and therefore the possibility that she might have been in depression and committed suicide, cannot be overruled.

4. Learned APP and learned counsel for the complainant both opposed the Application. It is submitted by learned APP and learned counsel for the complainant that there are instances of continuous demand and cruelty. The deceased was driven out of her house on 17th January, 2017 and thereafter within 1½ month she committed suicide. It is submitted that charge under section 304B is also made, as she died within one year from the date of the marriage.

5. Perused the FIR and the charges. The FIR discloses that there was demand of money after her marriage by the applicant/accused. I have considered the time sequence from the marriage till she committed suicide. *Prima facie* I am of the view it is a serious offence and the discretion to grant pre-arrest bail under section 438 of Cr. P.C. is not to be used in this case. Hence, Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)