

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.739 OF 2017

1. Anusaya Mallikarjun Goundi .Applicants
2. Pundalik Mallikarjun Goundi
3. Siddamma Mallikarjun Goundi

Vs.

The State of Maharashtra .Respondent

Mr.Ritesh Thobade, Advocate, for the Applicants
Mr.S.S.Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 04.05.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek pre-arrest bail in connection with C.R. No. 233 of 2016 registered with the Pangari Police Station, Solapur, for the alleged offences punishable under Sections 306, 323 r/w 34 of the Indian Penal Code.

3. The complainant-Bharatibai Sharnappa Vharnmane is the sister of deceased-Bhimashankar Rajapure. According to the Complainant, Bhimashankar got married to the Applicant No.

1 about 7 to 8 years prior to the date of incident. The Applicant No. 1 is the wife of the deceased; Applicant No. 2 is the brother-in law and the Applicant No. 3 is the mother-in- law.

4. According to the Complainant, the deceased-Bhimashankar committed suicide on 11th November, 2016 at 10:30 a.m. in his house. It is alleged by the Complainant that the deceased committed suicide, as Applicant No.1 would frequently visit her parents' house and that the applicant No. 1-wife and in-laws would abuse and assault him as a result of which, he was fed up of his life and committed suicide.

5. Learned Counsel for the Applicants submits that taking the prosecution case as it is, no offence under Section 306 of the Indian Penal Code is disclosed qua the Applicants. He submitted that the incident has taken place on 11th November, 2016, whereas, the FIR was lodged only on 16th November, 2016.

6. Learned APP does not dispute the facts.

7. The deceased-Bhimashankar committed suicide on

11th November, 2016 in his own house. According to the Complainant, who is the sister of the deceased, her brother committed suicide as the Applicant No.1 was frequently visiting her parents house and that the Applicant No. 1-wife and in-laws would abuse and assault him. She has alleged that being fed up of his life, her brother committed suicide. Having regard to the peculiar facts of this case, prima facie, it is doubtful whether an offence punishable under Section 306 of the IPC is disclosed.

8. Accordingly, the Application is allowed and the Applicants are granted pre-arrest bail on the following terms and conclusions:-

O R D E R

(i) In the event of arrest, the Applicants be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount;

(ii) The Applicants shall report to the investigating officer as & when called for by the investigating officer till the filing of the charge-sheet;

(iii) The Applicants shall not tamper with the or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicants shall inform their latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)