

Anand

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

BAIL APPLICATION NO.1039 OF 2017

1. Ashok Sambhaji Giranje .Applicants
2. Sumit Ashok Giranje

Vs.

The State of Maharashtra .Respondent

Mr.V.V.Purwant i/b. Mr.Sachin H. Deokar, Advocate, for the Applicants

Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 04.05.2017

P.C.

. Heard learned counsel for the Applicants.

2. By this Application, the Applicants seek their enlargement on bail in connection with C.R.No.71 of 2017 registered with the Akulj Police Station, Solapur(Rural), for the alleged offences punishable under Sections 304A, 306, 323, 498A, 504, 506 r/w.34 of the Indian Penal Code (For short 'IPC').

3. The Applicant No.1 is the uncle of the husband of the deceased and the Applicant No.2 is the son of the Applicant No.1. Learned Counsel for the Applicants submits that admittedly, the

said Applicants are residing separately from the house of the other accused. He further submitted that there is no material to show the complicity of the Applicants. He submitted that there are no allegations of dowry demand and as such, Section 304 B of the IPC will not apply to the facts of the present case. He further submitted that earlier in October, 2016, the deceased had lodged a complaint, as against her husband and others, including the present Applicants, alleging offences punishable under Sections 498A, 506 & 354A against the Applicant No.2. He further submitted that the Applicants are in custody since 03.04.2017.

4. Learned APP has tendered the suicide note of the deceased. He submits that the suicide note shows, that applicants alongwith other co-accused had compelled the deceased to falsely implicate one Balaji in a 376 case, pursuant to which Balaji was in custody for some time. He submitted that according to the deceased, Balaji was innocent and that she had made allegations, only at the behest of the accused including the Applicants. She has stated that she was harassed by all the accused to falsely implicate Balaji in the said case and that the case instituted against Balaji was a false case. He submitted that when the deceased committed suicide, she was four months

pregnant. According to the deceased, although, she had lodged a case under Section 498-A etc, against the accused including the Applicants, they were unfazed and unaffected by the same. She has stated that the accused should be punished for the same and that it had become unbearable for her.

5. Perused the papers. It appears that the deceased and accused No.1 - Amol were married on 22.04.2014. On 21.10.2016, Amol sent a divorce notice through the Applicants, who are Advocates, to the deceased. On 26.10.2016, the deceased lodged a complaint as against all the accused including the Applicants, alleging offences punishable under Sections 498A, 323, 504, 506 against all accused and Section 354-A as against the Applicant No.2 herein.

6. It appears that since 07.10.2016 the deceased was staying with her parents. On 10.02.2017, the deceased received a notice of divorce proceedings. On 12.02.2017, she committed suicide. It appears that on 07.10.2016, the deceased had filed an FIR as against one Balaji, alleging an offence punishable under Section 376 of the IPC. The said case was registered vide C.R.No.485 of 2016 with the Karmala Police Station. The

deceased in her suicide note, has named all the accused, including the Applicants. She has stated that the Applicants had harassed her and that she had committed suicide because of the harassment. She has stated that they were continuously threatening her and that inspite of lodging a case against them, they were unaffected. She has further stated that she had falsely implicated one Balaji under Section 376 of the IPC, on the say of the accused including the Applicants. She has stated that it is a false case and that the said Balaji was innocent. She has stated that there were absolutely no relations between her and Balaji and that he had not raped her. It is not in dispute, that the Applicants were residing separately from the in-laws of the deceased, and that she committed suicide in her maternal house.

7. It appears that investigation is almost complete. As far as demand for dowry is concerned, the suicide note does not disclose the same.

8. Considering the aforesaid, the Application is allowed and the Applicants are enlarged on bail on the following terms & conditions:-

O R D E R

(i) The Applicants be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;

(ii) The Applicants shall report to the investigating officer of the concerned police station on the **first Monday of every month** between **10.00 a.m. to 12.00 noon** for a period of 12 months of their release.

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.)