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

CRIMINAL BAIL APPLICATION NO.1246 OF 2017

- | | | |
|----|-----------------------------|---------------|
| 1. | Appasaheb Gangadhar Borgude | |
| 2. | Krushna Madhav Shinde | ...Applicants |
| | Versus | |
| | The State of Maharashtra | ...Respondent |

Mr.S.G.Shirsat, for the Applicants.

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

Mr.Tushar Sonawane for the Complainant/Intervener.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th JUNE, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicants seek their enlargement on bail in connection with C.R.No.I-60 of 2017 registered with the Ojhar Police Station, Nashik, for the alleged offences punishable under Sections 306, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicants submits that the applicant no.2 is the cousin father-in-law of the deceased – Santosh Pawar and applicant no.1 is the brother-in-law of applicant no.2. He submitted that Santosh (deceased) was married to Priya on 5th February, 2013. According to the complainant-Sachin Pawar, brother of Santosh (deceased), Priya's parents had misled Santosh (deceased) that Priya had completed her B.Com. He has stated that after marriage, Santosh learnt, that Priya had studied only upto 12th Standard. He has alleged that even after Priya's marriage with Santosh (deceased), the applicant no.2 and Priya's other relatives were interfering in their marriage and were threatening Santosh. He has further alleged that on 12th May, 2017, Santosh committed suicide in his own house as he was mentally harassed, cheated and abused by his in-laws. Learned Counsel for the applicants, submitted that taking the allegations as they stand, no offence under Section 306 of the Indian Penal Code is disclosed, qua the applicants. He submitted that the applicants have been in custody since 13th May, 2017.

4. Learned APP opposes the application. She has tendered two suicide notes written by Santosh. Learned Counsel for the Intervener/Complainant, supported the learned APP. He submits that due to the mental harassment, Santosh committed suicide.

5. Perused the papers, in particular the suicide notes. In the 1st suicide note Santosh had stated that he was cheated by Priya and others and due to the mental harassment, threats and abuses by the in-laws, he was compelled to commit suicide. He has further stated that the two persons who were responsible for his suicide are applicant no.2 – Krushna Madhav Shinde and Vishnu Shinde. He has further stated that for the last 5 years the said persons have been harassing him and were supporting his wife – Priya. The 2nd suicide note is also on similar lines. The applicants have been in custody since the date of their arrest i.e. 13th May, 2017. *Prima facie*, it is doubtful whether an offence under Section 306 of the Indian Penal Code is made out in the peculiar facts of this case.

6. Considering the aforesaid, the application is allowed and the applicants are enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount;
- ii) The Applicants shall attend the concerned Police Station, as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier;
- iii) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicants shall not contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed and disposed of in above terms.

8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)