

Anand

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

BAIL APPLICATION NO.1614 OF 2017

Amol Ankush Giranje

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.M.S.Mohite a/w. Mr.S.H.Deokar, Advocate, for the Applicant
Mr.Rajan Salvi, APP, for the Respondent – State
Ms Manisha Deokar, Advocate, for the Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 26.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.71 of 2017 registered with the Akhuj Police Station, Solapur, for the alleged offences punishable under Sections 304B, 306, 498A, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. The Applicant is the husband of deceased – Sonali. Learned counsel for the Applicant submits that admittedly, the deceased was

residing with her parents and had committed suicide in her parents house. He submitted that in October, 2016, the deceased had lodged a complaint, as against the Applicant and others, alleging offences punishable under Sections 498A, 506 & 354A. He further submitted that the Applicant is in custody since 01.04.2017 and that investigation is complete and charge-sheet is filed.

4. Learned APP opposes the Application. He submitted that deceased – Sonali was four months pregnant when she committed suicide. He submitted that because of the continuous harassment and ill-treatment, the deceased committed suicide. He relied on a letter which is on page No.207 of the Application. He submitted that it is stated in the said letter, that the Applicant alongwith other co-accused had compelled the deceased to falsely implicate Balaji in a 376 case, despite the fact, that Balaji was innocent. She has stated that Balaji was innocent and that she had made allegations only at the instance of the Applicant and other co-accused. According to the learned APP, Sonali had also stated in the said letter, that she was harassed by all the accused to falsely implicate Balaji, and that despite the fact, that she had lodged a case under Section 498A of the IPC against the Applicant and other co-accused, the Applicant and other co-accused were unfazed and

unaffected by the same.

5. Perused the papers. It appears that Sonali was married to the Applicant on 22.04.2014. On 26.10.2016, Sonali lodged an FIR, as against the Applicant and other co-accused alleging offences punishable under Sections 498A, 354, 452, 323, 504, 506 of the Indian Penal Code. The said FIR was registered with the Karmala Police Station vide C.R.No.527 of 2016. It appears, that the Applicant had sent two legal notices to Sonali, dtd. 21.10.2016 & 15.11.2016. The said notices were replied to, by Sonali on 22.11.2016 & 01.12.2016. On 23.11.2016, the Applicant filed a HMP in the Court of the learned C.J.J.D., Barshi, Solapur, being HMP No.246 of 2016 and notice was issued to Sonali, returnable on 03.01.2017. On 24.11.2016, Sonali filed a complaint under the Domestic Violence Act before the learned JMFC, Malshiras, Solapur. On 30.11.2016, Sonali filed a pursis before the learned JMFC stating, that on 28.11.2016, she learnt about her pregnancy and hence, wanted to file certain documents in the Court and she was withdrawing her complaint under the D.V.Act. On 10.02.2017, Sonali received a notice and a copy of the HMP No.246 of 2016, filed by the Applicant in the Court of the learned CJJD, Barshi, Solapur. On 12.02.2017, Sonali committed suicide by hanging herself in her parents house, pursuant to

which the aforesaid FIR was lodged by Sonali's father.

6. According to the learned APP, because of the derogatory contents in the said legal notices, Sonali committed suicide. Learned counsel for the Intervenor also supported the learned APP.

7. It appears that Sonali had left her matrimonial home on 07.10.2016 and was living with her parents since then. It appears that there were exchange of legal notices between the Applicant and Sonali and that matrimonial proceedings were also filed by the Applicant and Sonali respectively. Whether or not, an offence punishable under Section 306 of the IPC is disclosed or not, is a matter which will be decided by the appropriate Court. The Applicant has been in custody since 01.04.2017. Investigation is complete and charge-sheet is filed.

8. In the facts of the case, continued detention of the Applicant is not warranted. Accordingly, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

ORDER

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

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

(iii) The Applicant to cooperate with the conduct of the trial.

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.)