

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1352 OF 2017

1. Satish Khema Ghogare .Applicants
2. Dhondabai Khema Ghogare
3. Khema Budha Ghogare
4. Baban Khema Ghogare

Vs.

The State of Maharashtra .Respondent

Ms Hetal Patel i/b. Ms Rachana Divekar, Advocate, for the Applicants
Ms A. Malhotra, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.08.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek pre-arrest bail in connection with C.R.No.60 of 2017 registered with the Otur Police Station, Pune, for the alleged offences punishable under Sections 306, 498A, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicants submits that Sangeeta Ghogare (deceased) was married to Applicant No.1 on 18.02.2013, after which she started residing at her matrimonial home. She submitted that

according to the Complainant – Babu Yamaji Chikane (father of the deceased – Sangeeta Ghogare), the Applicants were harassing her, suspecting her character, humiliating her and torturing her on one or the other pretext. It is alleged by the Complainant, that the Applicant No.4 on one occasion after consuming alcohol, had assaulted the deceased and that the Applicant No.1 would quarrel with her, as he was suspecting her character. She has alleged that the deceased committed suicide by consuming poison on 30.04.2017, pursuant to which she was admitted to the hospital and expired on 02.05.2017. She submitted that the allegations as against the Applicants are baseless and false.

4. Learned APP has tendered the statement of Pandharinath Ashok Modhe & Manisha Ghogare, neighbours of the Applicants.

5. Perused the papers. The Applicant No.1 is the husband of the deceased – Sangeeta; the Applicant No.2 is the mother-in-law; the Applicant No.3 is the father-in-law and the Applicant No.4 is the brother-in-law of deceased – Sangeeta. It appears that Sangeeta and the Applicant No.1 were married on 18.02.2013, after which Sangeeta started residing in her matrimonial home, at Mouje – Alme (Khanjirwadi), Post – Ballalwadi, village – Junnar, Pune. It is alleged

that after two years of marriage, the Applicants started suspecting Sangeeta's character and started harassing and humiliating her. It is alleged that the Applicant Nos.1 & 4 also assaulted Sangeeta. There is some discrepancy in the statements of the Complainant and the mother of the deceased. The statement of Pandharinath Ashok Modhe, neighbourer of the Applicants shows, that Sangeeta (deceased) was stubborn and short tempered. He has stated that a few days prior, when the Applicant No.1 asked her not to go her maternal home, Sangeeta slapped the Applicant No.1, pursuant to which the Applicant No.1 assaulted her with fist and kick blows. According to the said witness, the Applicant No.1 would go to the hill and talk on the mobile phone for hours. He has stated that the said mobile phone as well as the sim card belonged to one Satish Madhe, a resident of the village. He has further stated that as the Applicants had learnt of the same, Sangeeta was upset about it. He has stated that in fit of anger, Sangeeta had even assaulted her son and when her father-in-law i. e. Applicant No.3 went to stop her, she even assaulted the Applicant No.3. There is a similar statement made by Manisha Ghogare, another neighbour of the Applicants, who has also stated that Sangeeta was stubborn and short tempered.

6. Considering the material on record, custodial interrogation

of the Applicants is not required. Accordingly, the Application is allowed and the Applicants are granted pre-arrest bail on the following terms & conditions:-

ORDER

- (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 of the concerned police station **as & when called for** by the investigating officer;
- (iii) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

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

8. 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.)