

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1977 OF 2017

Narayan @ Machindra S. Pandav and ors. ...Applicants.
vs.
The State of Maharashtra ...Respondent.

Shri. Ritesh Thobde with Sagar Tambe for the Applicant.
Mr. S.R.Agarkar, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 18th September, 2017.

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.266 of 2017 registered with Karmala Police Station, District Solapur under Sections 498A, 306, 304 read with 34 of the Indian Penal Code..

2. The name of the deceased is Smt. Sonali Sachin Pandav. The applicant No.1 is the father-in-law, applicant No.2 is the mother-in-law and applicant No.3 is the husband of the deceased Smt. Sonali. The first information report is lodged by father of the deceased Smt. Sonali dated 7.5.2017.

3. It is the prosecution case that, applicant No.3 got married with Smt. Sonali on 16.12.2015. After one month from the date of marriage the applicant No.3 demanded a sum of Rs.10,000/- for payment of instalment of motor cycle. That, the applicant No.3 was making consistant demand of money with the said Sonali and as the first

informant was unable to make the said payment, the applicant No.3 had assaulted her with pipe and had also broken her mobile phone. That, due to consistent harassment at the hands of the applicants, Sonali committed suicide by pouring kerosene on herself and igniting fire to it. That, Smt. Sonali was declared dead prior to admission in the hospital. After registration of crime, during the course of investigation the applicants came to be arrested between 8th and 9th of May, 2017. After completion of investigation the police have submitted charge sheet.

4. Perused the charge sheet. The record indicates that as far as allegation against the applicant Nos. 1 and 2 i.e. father-in-law and mother-in-law of the deceased Sonali are concerned, the same are general in nature and prima facie it appears that they did not actively participated in harassing and for demanding the money from deceased Sonali. As far as applicant No.3 is concerned, all the allegations i.e. demand of money, beating and harassment are attributed to him. The post mortem report of deceased Sonali indicates that she was pregnant on the date of incident and the fetus in her womb also lost its life. The Medical Officer has observed in Para 20 of the Post Mortem Notes that "Fetus does not show any kind of movement". It is the specific allegation against the applicant No.3 that he was having extra marital affair with a girl at Pune and due to which he used to beat and harass deceased Sonali. As stated earlier, the F.I.R. discloses harassment mainly at the hands of applicant No.3.

In view thereof, the applicant Nos. 1 and 2 can be released on bail.

However, the application of application No.3 for bail is rejected.

Hence the following order.

a) The applicant Nos. 1 and 2 be released on bail in CR No.266 of 2017 registered with Karmala Police Station, District Solapur on their furnishing PR bond of Rs.25,000/- each with one or two solvent local sureties in the like amount.

b) After their release from the jail, the applicant Nos. 1 and 2 shall attend the concerned police station once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 2.00 p.m.

1. The applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

d) The application of applicant No.3 Sachin Narayan @ Machindra Pandav is rejected.

e) Application is partly allowed in the aforesaid terms.

(A.S. GADKARI, J.)