

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1982 OF 2017

ANUPAM JANARDHAN CHAUDHARI)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Niranjan Mundargi i/b. Kunal D. Ambulkar, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent – State.

Mr.V.B.Bhangare, Assistant Police Inspector, Kinhavali Police Station, present in the court.

CORAM : A. M. BADAR, J.

DATE : 14th NOVEMBER 2017

P.C. :

1 The applicant/accused in Sessions Case No.141 of 2017 arising out of Crime No.I-05 of 2017 registered with Police Station Kinhavali for offences punishable under Sections 306 and 498A read with Section 34 of the Indian Penal Code (IPC), by this application, is seeking his release on bail after filing of the charge-sheet.

2 Heard the learned advocate appearing for the applicant/accused. By drawing my attention to the charge-sheet, the learned advocate for the applicant/accused argued that statement of sons of the deceased born from the present applicant/accused are not recorded by the prosecution though they are natural witnesses to the alleged incident of abetment to their mother to commit suicide. It is further argued that apart from the statement of the First Informant, other statements are also from relatives of the deceased, who were residing at different villages, and as such, were not having any personal knowledge in respect of the incident in question. The learned advocate further argued that even statements of so called other wives of the present applicant/accused show that alleged marriages of those witnesses took place long back and there was live link to the act of present applicant/accused in respect of marrying other women and the alleged act of commission of suicide by the deceased. Similarly, the incidents of past do not amount to abetment of the deceased to commit suicide.

3 The learned APP opposed the application by pointing out statements of other wives of the present applicant/accused as well as earlier complaints made by the deceased and the other wives of the present applicant/accused.

4 I have carefully considered the rival submissions and also perused the entire charge-sheet. The crime in question is registered on the basis of report lodged by Balu Bhoir. He is father of deceased Manisha Choudhary. He is a retired employee of the Irrigation Department.

5 The charge-sheet shows that the present applicant/accused married Manisha in the year 1999 and was blessed with four male children out of this wedlock. Unfortunately, the youngest of them died in the year 2009.

6 Record of investigation further shows that during subsistence of his first marriage with Manish (since deceased) the applicant/accused performed second marriage with a lady named

Madhuri Rajaram Pawar on 23rd February 2010. He, then, performed third marriage with a lady named Meena Kathod Dinkar in August 2012. The applicant/accused lastly performed fourth marriage with a lady named Chitra Vilas Dalvi in May 2014.

7 First wife of the present applicant/accused Manisha died at her matrimonial house on 27th January 2017 by indulging in self effacement by pouring kerosene on her person and setting her ablaze. Statement of Madhuri Pawar, who is a natural witness to the happenings of the matrimonial life of the present applicant/accused and deceased Manisha, she being another wife of the present applicant/accused, shows that the present applicant/accused used to subject Manisha to extreme cruelty and he was assaulting her frequently for petty reasons, apart from abusing her. This witness further reported that she herself used to suffer cruelty at the hands of her husband i.e. the present applicant/accused and the co-accused, and therefore, she lodged report to police on 21st April 2010 and took shelter of her parental house.

8 Statement of Chitra – another wife of the applicant/accused also shows that the present applicant/accused used to assault and abuse her and the weapon of assault used to be the waist belt. Chitra has also stated that she had lodged report to police being fed up with cruel treatment given by the applicant/accused and his relatives and she was driven out of her matrimonial house by the present applicant/accused and other accused persons by snatching her ornaments from her. Statement of a witness named Kathod Dinkar – father of Meena – yet another wife of the present applicant/accused shows that she used to hear of ill-treatment meted out to Manisha by the present applicant /accused. His statement further reveals that fed up with constant harassment, even his daughter Meena was brought back from her matrimonial house by this witness named Kathod Dinkar.

9 Statements of several witnesses go to show that deceased Manisha was compelled to reside in a hut in the field owned by accused persons for a period of about 7 years and she

was brought back to the house in the village only after the First Informant Balu Bhoir – her father – paid an amount of Rs.1 lakh to the accused persons out of his retiral dues received by him after retirement.

10 Deceased Manisha during her life time had lodged atleast two complaints against the present applicant/accused and her in-laws to police, which are forming the part of the charge-sheet. Deceased Manish has categorically averred that the present applicant/accused and other accused persons used to subject her to physical as well as mental cruelty and they were instigating her to commit suicide. Apart from that, they were threatening her that if she failed to commit suicide, they would set her ablaze.

11 Record of the investigation also contains complaints of Anita Anupam Choudhary - another wife of the present applicant/accused wherein she has narrated her woes and sufferings at the hands of the present applicant/accused to the police.

12 It is, thus, clear that in the case in hand, there is eye witness account reflecting extreme cruelty to deceased Manisha at the hands of the present applicant/accused, who apart from marrying her, had also married three other women and left all of them after subjecting them to cruelty. The material collected by the Investigating Officer prima facie discloses that the torture to deceased Manisha was definitely of such a nature which could drive her to commit suicide. Prima facie, it is seen that the case in hand is a case of abetment by instigation and the end result is common course of events and natural result of a normal conduct of a human being. The offence alleged against the present applicant/accused is antisocial and serious. No case for bail is therefore made out. Hence, the order :

ORDER

The application is rejected.

(A. M. BADAR, J.)