

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

BAIL APPLICATION NO. 2486 OF 2016

Smt. Hausabai Shankar Bugade & Anr.	.. Applicants
Versus	
The State of Maharashtra	.. Respondent

Dr. Pravin Singhal for the Applicants.
Ms. J.S. Lohokare, A.P.P. for the State.

**CORAM :- SMT. SADHANA S. JADHAV, J.
DATED :- 9th JANUARY 2017.**

PC. :-

1 This is an application under Section 439 of Cr.P.C. The applicants are arrested on 08.09.2016 in Crime No.658 of 2016 registered at Dindoshi Police Station for the offences punishable under sections 306, 498A of I.P.C. The investigation is completed and charge sheet is filed. The applicant No.1 happens to be the mother of applicant No.2. It is the case of prosecution that applicant No.2 was married to Supriya on 27.04.2016.

2 It is the case of the prosecution that on 23.08.2016 Supriya had committed suicide by hanging. On 24.08.2016 mother of Supriya lodged a report at the Police Station alleging therein that the marriage of her daughter was fixed with applicant No.2. There was a demand of dowry and hence they had refused to the proposal. Subsequently, applicant No.2 had proposed that he would not take any dowry and was willing to marry Supriya unconditionally. Accordingly, on

27.04.2016 applicant No.2 got married to Supriya. They were residing in a joint family along with the applicant No.1. It is alleged that initially Supriya was treated properly for one month but subsequently she had called upon her mother and informed her that there is a demand of dowry and that she is being insulted and humiliated by her mother in-law. It is also alleged that there was a demand of Rs.2 lakh for purchasing a room in Mumbai. The informant has alleged that due to constant demand of dowry and mental harassment and cruelty Supriya had committed suicide on 23.08.2016 in her matrimonial home.

3 Learned A.P.P. submits that Supriya had committed suicide within just four months of marriage and that this could be a case of dowry death and therefore, applicants do not deserve to be enlarged on bail. It is pertinent to note that the charge sheet is filed against the accused under section 306 of I.P.C.

4 Learned counsel for the applicant has drawn the attention of this Court to the medical case history of Supriya which shows that on 29.07.2016, she was taken to Municipal Corporation hospital by her husband where she has diagnose with fungal infection on vital parts. She was under treatment. She was regularly being taken to the hospital by her husband. That when she was in her matrimonial house she has sent some messages to her husband. Upon perusal of the said messages on 10.08.2016 it appears that Supriya was complaining of severe pain and burning sensation on her private parts. She had also

informed her husband that since she could not bare the pain and agony she would cause harm to herself. It also appears that the applicant No.2 was attempting to console her. According to learned counsel for the applicant, the fact that she was suffering from some skin decease is apparent in the observations made in the inquest panchnama. According to learned counsel for the applicant, only because she has died in her matrimonial home, the applicants have been falsely implicated.

5 Upon perusal of the compilation of the charge sheet it can be seen that there is no incriminating material to indicate that the applicants have facilitated, instigated or abated the commission of suicide by Supriya. Moreover the investigation is completed and charge sheet is filed, hence the applicant deserves to be enlarged on bail. The observations are restricted to an application under Section 439 of Cr.PC. and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicants be enlarged on bail on furnishing PR. bond in the sum of Rs.25,000/- each with one or more local sureties in the like amount.
- (iii) Application is allowed in above terms and stands disposed of.

(SMT. SADHANA S. JADHAV, J.)