

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

BAIL APPLICATION NO. 43 OF 2018

1	Bapu Jalindar Galande.		
2	Dhanaji Jalindar Galande.		
3	Tanaji Jalindar Galande.		
4	Kantilal Narayan Galande.		
5	Balu Bhagwan Galande.		
6	Khandu Bira Solankar.		
7	Bira Aba Solankar.	... Applicants.	
	Versus		
	The State of Maharashtra.	... Respondents.	

Mr. Jaydeep D. Mane, advocate for Applicants.

Mr. Kuldeep Nikam, advocate for intervenor.

Ms. S.S. Kaushik, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 22, 2018**

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicants herein are arrested on 12/12/2017 in Crime No. 348/2017 registered at Malshiras Police Station for offence punishable under section 306, 323, 506 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that the daughter of applicant No. 7 was married to Subhash Anuse. That Swati @ Maina was allegedly harassed and ill-treated by Subhash Anuse and hence Swati had lodged report on the basis of which Crime No. 161 of 2011 was registered against Subhash Anuse for offence punishable under section 498A, 324, 323, 504, 506 read with section 34 of the Indian Penal Code. The couple was blessed with two daughters namely Rutuja and Pranita. On 12/12/2017 Subhash Anuse has caused homicidal death of his wife and two daughters and thereafter committed suicide. The deceased Subhash had left a suicide note alleging therein that the present applicants and the entire family were harassing, ill-treating him and were extorting money from him from

time to time. There were complaints and cross-complaints against each other.

4 It is alleged that the applicants and their family members have been assaulted him on one occasion and therefore, being fed up of their harassment, he has caused homicidal death of his wife and two daughters and thereafter, committed suicide. Hence, the applicants and the other family members are facing prosecution for offence punishable under section 306 of the Indian Penal Code.

5 The learned Counsel for the applicants submits that there is no doubt that there were cross-complaints against each other as relations between both the families were not cordial. It is submitted that in fact, the deceased Subhash was aggrieved because Swati had given birth to two daughters and could not deliver a son. It is in these circumstances, according to the learned Counsel for the applicant, Subhash has caused murder and thereafter, committed suicide. The

learned Counsel further submits that Subhash does not deserve any sympathy. Perused the suicide notes.

6 The learned Counsel for the intervenor submits that there are cross-complaint against each other and the family of the applicants was extorting Subhash time and again and therefore, he was constrained to file complaint against the applicants. It is submitted that the situation in the village is tense because of multiple deaths in the same family of Anuse.

7 Taking into consideration the papers of investigation and more particularly, the suicide notes, it cannot be said that the applicants herein had abetted, instigated or facilitated commission of suicide by Subhash Anuse. Hence, the applicants deserve grant of bail.

8 The learned APP submits that she would instruct the investigating agency to guard the situation in the village.

9 However, it is made clear that the observations are restricted to an application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be taken into consideration for quashing of FIR, discharge application or at the time of trial.

10 Hence, following order is passed:

ORDER

- (i) The application is allowed.
- (ii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- each with one or more solvent sureties in the like amount.
- (iii) The applicants shall not tamper with the evidence.

11 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)