

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

BAIL APPLICATION NO. 84 OF 2018

Pushpa Dhanaji Khandagale.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Amit A. Karande, advocate for Applicant.

Ms. Veera Shinde, APP for State.

Mr. S.B. Magar, H.C. Natepute Police Station, Solapur(Rural).

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 29, 2018**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 4/8/2017 in Crime No. 180 of 2017 registered at Natepute Police Station, Solapur. Investigation is completed and charge-sheet is filed against the applicant and others on 18/9/2017 for offence punishable under

section 498A, 304-B, 306, 324, 504, 506 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 21/2/2017 son of the present applicant was married to Ashwini. That Ashwini was being harassed and ill-treated by the present applicant and the other members of the family. She was being assaulted by her husband. There was a demand of Rs. 50,000/- as the son of the applicant wanted to become vegetable vendor. The parents of Ashwini could not fulfill the said demand. Ashwini was carrying pregnancy of 6 to 8 weeks on 3/8/2017. It is alleged that the applicant herein had complained to her son that Ashwini is behaving adamantly. Being annoyed, he suspected her fidelity and had assaulted her brutally. He had also threatened her that he would eliminate her. Ashwini could not take ill-treatment and harassment any more and therefore, on 3/8/2017 she had jumped into the well of Sahebrao Khilare, resident of Ekshiv and committed suicide.

Compilation of charge-sheet would clearly indicate that Ashwini was meted with ill-treatment at the hands of her mother-in-law.

4 The learned Counsel for the applicant submits that the husband of the present applicant who happens to be the father-in-law of the deceased Ashwini was granted bail by this Court vide order dated 12/12/2017 and her brother-in-law has been enlarged on bail.

5 The principal allegations are against the husband who had assaulted Ashwini on 3/8/2017. The post mortem notes also indicate that she has sustained several several abrasions. Upon perusal of the compilation of the charge-sheet, it is apparent that the applicant would be guilty of an offence punishable under section 498A of the Indian Penal Code.

6 Taking into consideration the above mentioned facts, this Court is of the opinion that the applicant deserves to be enlarged on bail by virtue of doctrine of parity. The son of the applicant i.e. the husband

of the deceased Ashwini shall not claim parity with the present applicant or with the Dhanaji Khandagale or Tatyaso Khandagale.

7 However, the observations are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

8 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more solvent sureties in the like amount.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)