

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 147 OF 2018***

Sanjay Bhagwan Chavan

Applicant

Versus

The State of Maharashtra

Respondent

Mr. Aniket Nikam i/b. Mr. Aashish Satpute, for the applicant.

Mr.S.R.Agarkar,APP, for the State.

Mr. Sachin A. Hundalekar, API, Mangalvedha Police Station, Solapur (Rural) present.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 5th February, 2018.

P.C. :

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant is arrested on 26.9.2017 in Crime No.426 of 2017 registered at Mangalwedha Police Station, Solapur for the offences punishable under Sections 498, 306 read with Section 34 of the Indian Penal Code. The investigation is completed and charge sheet is filed against the accused.
2. It is the case of the prosecution that the applicant herein was married to Reshma on 25.11.2007. The couple was blessed with a daughter and a son. That on 23.9.2017, Malhar Gujale, father of Reshma, lodged a

report at the police station submitting therein that on that day at about 1 p.m his wife had received a phone call from the father-in-law of his daughter informing her that at about 11 a.m. Reshma had been to the well to fetch water. She had slipped and fallen down in the well and has died. On the basis of the said report, A.D. No.69 of 2017 was registered.

3. According to the complainant, his daughter was married to the applicant on 25.11.2007. That the applicant had assaulted his daughter when she was pregnant on 3.7.2008. She had returned to her maternal house and was taken for medical treatment. With the intervention of the villagers, the matter was resolved. It is alleged therein that his daughter Reshma was harassed and ill-treated at the hands of the present applicant on several occasions. That Reshma was being humiliated and insulted at the hands of the present applicant and since she could not take it any more, she had committed suicide. On the basis of the said report, Crime No.426 of 2017 was registered at Mangalwedha Police Station.

4. In the course of investigation i.e. on 24.9.2017, prior to the registration of FIR, statement of the daughter of the applicant was recorded. The daughter was studying in 2nd Std. She had disclosed to the police that her mother fetches water from the well everyday. Occasionally, her father

also fetches water. On that relevant day, she was not sent to school in order to take care of the infant child. At about 11 a.m, she had left the house for fetching water from the well. The applicant ie. her father was at home. There was no quarrel between the couple. That after some time her father had enquired about the whereabouts of her mother and the minor daughter Pragati had informed that her mother had been to fetch water.

5. The learned counsel for the applicant also submits that the statement of the minor daughter needs to be taken into consideration. Moreover, deceased Reshma used to fetch water everyday. The cause of death is “due to drowning”.

6. The scene of offence panchnama which was recorded in the A.D. enquiry would show that while conducting the panchnama, several people had gathered near the well and had informed that while drawing water from the well, Reshma had slipped and fallen in the well. There was a bucket near the well. There are small shrubs around the well. The well does not have a parapet wall.

7. The learned counsel for the applicant submits that this would clearly indicate that this is a case of accidental death. The incident had occurred on 23.9.2017 and on the same day, the father of the deceased had

lodged the report, on the basis of which accidental death was registered. There was no grievance for almost two days and lodged the report on 26.9.2017 and the applicant has been taken into custody.

8. Upon perusal of the papers of investigation and considering the submissions advanced across the bar, this Court is of the opinion that the applicant deserves to be enlarged on bail.

9. The observations are prima facie in nature and restricted to an application under Section 439 of Cr.P.C.

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/- with one or more solvent sureties in the like amount.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)