

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

BAIL APPLICATION NO.180 OF 2018

Vasudeo Nathu Shelar		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. A.P. Mundargi, Senior Counsel i/by Mr. Pradeep P. Khittani for the Applicant.

Mr. Y.M. Nakhwa, APP for the State.

Mr. S.S. Bhujbal, PSI, Dighi police station, Pune present.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 13th February, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP. Perused the papers of investigation.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 7th October 2017 in Crime No.187 of 2017, registered at Dighi Police Station, Pune, for the offences punishable under Sections 498-A, 306 read with 34 of Indian Penal Code. The investigation is completed and the charge-sheet is filed against the present applicant.

3 It is the case of the prosecution that on 6th October, 2017, Namrata Vishal Shelar, daughter-in-law of the present applicant was admitted in the hospital. On admission, she had disclosed to the Doctor that on 5th October 2017, at about 10.45 pm., she had asked her in-laws i.e. her mother-in-law and father-in-law the permission to take some job as she is highly qualified. The in-laws had rejected the demand on the ground that there is no necessity to work. She was annoyed with the said reaction and thereafter she had consumed rat poison. The statement of Namrata was recorded on 6th October, 2017, by PSI of Dighi Police Station, Pune City and she had reiterated the same. She had also disclosed to the police that now she has recovered and that she had consumed poison in a fit of rage. Namrata had succumbed to the poison on 7th October, 2017.

4 On the same day, father of Namrata namely Suresh Shankar Nikam lodged a report at the police station alleging therein that his daughter was married to the son of the present applicant in April, 2015. Her qualification is M.C.A.. It is alleged that within 15 days of the marriage, Namrata was asked to carry out all the domestic chores i.e. ironing cloths of her sister-in-law, her mother-in-law, cook food, mop the floor etc. She had complained about the same to her parents. Her husband, Vishal i.e. son of the present applicant was working in I.T. company. It is alleged that the son of the present applicant also used to ill-treat her. Certain incidents are

narrated by the first informant as to how she was harassed at the hands of the members of her matrimonial family. That they had also been to the house of the present applicant to take their daughter for maternity. However only because she should suffer from pains, she was not allowed to go and finally she was sent to her maternal house before 5 to 6 days before her delivery. It is alleged that Namrata wanted to seek some employment. The members of her matrimonial family were against the same, due to which she was frustrated and finally on 5th / 6th October, 2017, she had consumed poison.

5 The papers of investigation would reveal that Namrata was in a habit of writing daily diary. Upon perusal of the contents of the said diary, it appears that she did not share any cordial relations with her mother-in-law and she was fed up of working at home. She was not happy in her married life. There are allegations against the mother-in-law and her husband. There are allegations that her husband had even slapped her on 2-3 occasions. She had asked her husband to give her Rs.500/- to buy Rakhi and other gifts. He refused to give her and asked her to take the same from his mother. There was a quarrel over the same. That her mother-in-law supported her husband. There is no reference to any specific act committed by the present applicant.

6 Learned Senior Counsel, upon instructions, submits that the applicant is working as a Guard in State Bank of India. It is also submitted that there are omnibus allegations against the present applicant and there is a reference to him alongwith the mother-in-law. Learned APP submits that Namrata was in a depressed state of mind as disclosed by one door neighbours. They had seen Namrata in depression and the main cause was that she was not allowed to take any employment.

7 Taking into consideration the papers of investigation and the submissions advanced across the bar, this Court is of the opinion that the applicant cannot be said to have abetted, instigated or facilitated the commission of suicide except that he had alongwith his wife denied permission to her to take any job. At the most, it can be said that the applicant would be liable for an offence punishable under Section 498-A of Indian Penal Code. In the above mentioned facts, the applicant deserves to be enlarged on bail.

8 The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

ORDER

- 1 The application is allowed.
- 2 The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

(*Smt. Sadhana S. Jadhav, J*)