

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.773 OF 2018

IN

CRIMINAL APPEAL NO.547 OF 2018

Revan Sudam Kanhere and anr. ... **Applicants**

V/s.

The State of Maharashtra and anr. ... **Respondents**

Mr.Satyavart Joshi a/w. Mr. Nitesh Mohite i/b. Mr.Jaydeep D. Mane for the applicants.

Mr.S.V. Gavand, APP for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 12th SEPTEMBER 2018.

P.C. :

1. This is an application on behalf of husband and mother-in-law for enlarging them on bail. They both are convicted for the offences punishable under Sections 306 and 498A read with Section 34 of the Indian Penal Code. For the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, the applicants are sentenced to suffer rigorous imprisonment for ten years apart from direction to pay fine of Rs.1000/- each and in default to undergo further rigorous imprisonment for three months. For the offence punishable under

Section 498A read with Section 34 of the Indian Penal Code, the applicants are directed to undergo rigorous imprisonment for three years apart from payment of fine of Rs.500/- each and in default to undergo fifteen days rigorous imprisonment.

2. The learned Counsel appearing for the applicants, at the outset submits that he has instructions not to press the application for applicant no.1 Revan Sudam Kanhere and the application to that be disposed of with a liberty to the applicant no.1 to approach again if the appeal is not listed for hearing within a period of one year. The learned Counsel for the applicants further argued that evidence of the first informant/PW1 Alka Garad shows that the accused persons were having well constructed house and irrigated land. As such there was no reason for them to demand an amount of Rs.50,000/- for construction of house and another amount of Rs.50,000/- towards construction of well in the field. There is no evidence to reflect abetment on the part of the applicant no.2. Hence, applicant no.2 is entitled to be released on bail.

3. The learned Additional Public Prosecutor opposed the application by contending that considering social impact of crime in question as well as fact that applicant no.2 Rajabai Sudam Kanhere had been to the

parental house of the deceased for demand of Rs.50,000/-, hence she is not entitled for bail.

4. I have carefully considered the submission so advanced and perused the impugned judgment and order as well as copies of deposition of witnesses.

5. Rekha (since deceased) was married to accused no.1 Revan Sudam Kanhere on 15th June, 2012. She was left at her parental house by accused no.1 Revan on 21st May, 2014. She consumed poison in the filed on 22nd May, 2014 and died suicidal death on 26th May, 2014. On 5th June, 2014, the First Information Report came to be lodged by PW 1 Alka Garad who happens to be mother of deceased Rekha.

6. As the application so far it relates to applicant no.1 Revan is not pressed, I have not considered evidence against him. The first informant Alka Garad is material witness in the instant case. So far as it relates to averments and allegations against applicant no.2/accused no.3 Rajabai Kanhere, it is alleged by PW1 Alka Garad that eight months after marriage, applicant no.2 Rajabai alongwith Rekha (since deceased) had been to her house for demand of Rs.50,000/- for construction of house

and at that time Rekha had told her, accused persons are harassing her on account of demand of money. The subsequent part of evidence of PW1 Alka Garad shows that it was accused no.1 Revan who had left his wife Rekha at the parental house under threat, she should not return unless and until she bring Rs.50,000/- for construction of the well. *Prima facie*, it appears that the act of applicant no.2/accused no.3 Rajabai in demanding the amount of Rs.50,000/-, eight months after marriage of her son Revan no immediate nexus with commission of suicide by Rekha in a month of May, 2014. Considering the nature of evidence against applicant no.2/accused no.3 Rajabai who happens to be mother-in-law of the deceased, she deserves to be released on bail; Hence, the order;

:: ORDER ::

- (i) The application so far it relates to accused no.1 Revan Sudam Kanhere is disposed of as not pressed with a liberty to him to approach this Court after one year if the appeal is not listed for hearing.
- (ii) The application so far it relates to applicant no.2/accused no.3 Rajabai Sudam Kanhere is allowed.
- (iii) Substantive sentence of imprisonment imposed on the applicant no.2 Rajabai Sudam Kanhere is suspended and she

is directed to be released on bail on her executing P.R. Bond
in the sum of Rs.15,000/- and on furnishing surety in the
like amount by her.

(iv) The application is disposed of accordingly.

Vina
Arvind
Khadpe

Digitally
signed by
Vina Arvind
Khadpe
Date:
2018.09.11
17:10:00
+0530

(A.M.BADAR J.)