

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1014 OF 2018

Smt. Anjali Kisan Khandagale and ors. ..Applicants.

vs.

The State of Maharashtra ..Respondent.

Mr.Vijaykumar Garad for the Applicant.

Mr. Prashant Jadhav, APP. for the State.

CORAM: A.S.GADKARI, J.

DATE : 22nd May, 2018

P.C.

1. This is an application under Section 438 of Cr.P.C. for pre arrest bail in CR No.377/2017 dated 30.12.2017 registered with Haveli Police Station, District Pune(Gramin) under Sections 306, 201 read with 34 of the Indian Penal Code.

2. Heard the learned counsel for the applicants and the learned APP. Perused the record.

3. The first information report is lodged by Shri. Balu R. Khandagale on 30.12.2017 stating that, the deceased Shri. Kisan Khandagale was his brother and was addicted to liquor. That on 25.12.2017 under the influence of liquor Kisan had quarrelled with applicant No.1 who was his wife.

That, in the said quarrel the deceased assaulted his wife and drove her and children out from the house. The applicant No.1 thereafter went to her matrimonial house where the applicant Nos. 2 and 3 who are her real brothers, are residing. The deceased along with his friend Narendra Wankhede thereafter went to fetch her back and at that time the applicants humiliated, insulted and assaulted him with fist and kick blows. That the deceased Shri. Kisan Khandagale thereafter committed the suicide at his residential premises which came into light on 26.12.2017 at 8.30 a.m. In the premise, the first information report is lodged.

4. The learned counsel for the applicant submitted that the incident in question had occurred on 25.12.2017 when the deceased was under the influence of liquor and according to him the deceased committed suicide under the influence of liquor and therefore, the applicants cannot be held responsible for abatement to commit suicide by the deceased. He further submitted that, though the alleged incident of suicide came into light on 26.12.2017 the first

information report is lodged with due deliberation after a gap of about three days on 30.12.2017. He therefore prayed that the applicants may be granted pre-arrest bail.

5. The record indicates that at the scene of offence three chits (suicide notes) were found by the Investigating agency wherein the deceased had written the reason for his committing suicide as the applicants. That the deceased had also written the said reason for his committing suicide on his left hand palm and both the forearms as the applicants. It is to be noted here that, when the deceased had been to the house of the applicants to fetch the applicant No.1 all the applicants assaulted him with fist and kick blows, humiliated and insulted him and therefore it appears that because of the said humiliation caused by the applicants the deceased Kisan Khandagale committed suicide in the intervening night on 26.12.2017, which came into light at about 8.30 a.m. when the friend of deceased Shri. Narendra Wankhede had been his house.

After perusing record it prima facie appears that, there is sufficient material available against the applicants

to show their complicity in the present crime. After taking into consideration the serious allegations against the applicants and the gravity of the offence, this Court is of the considered view that the applicants do not deserve to be protected by pre-arrest bail.

6. Application is accordingly rejected.

(A.S.GADKARI, J.)