

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

CRIMINAL BAIL APPLICATION NO. 1399 OF 2018

Mugutrao Balu Bibe.

..Applicant.

V/s.

State of Maharashtra.

..Respondent.

Mr. V.V. Purwant I/b. Mr. Vaibhav R. Gaikwad, advocate for applicant.

Mr. S.H. Yadav, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JUNE 29, 2018.

P. C. :

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

2 This is an application under section 439 of the Code of Criminal Procedure, 1908. The applicant herein is arrested on 11/3/2018 in Crime No. 92 of 2018 registered with Phaltan Rural Police Station, Phaltan for offence punishable under section 498A, 306, 323, 504, 506 read with 34 of the Indian Penal Code. Investigation is completed and charge-sheet is filed.

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3 It is the case of the prosecution that on 10th March, 2018 Monali had committed suicide by hanging. At the same day, Santosh Bibe lodged a report at the police station alleging therein that on 10th March, 2018 in the afternoon at 1 p.m. his sister-in-law informed him that Monali had committed suicide and her 2 months old son was crying. Upon peeping through window, they had seen that Monali was hanging to the angle of ceiling. Thereafter, he had reported to the police station. At that time, the mother-in-law and her husband Mugut were working in the agricultural land. On the basis of the said report, A.D. No. 18 of 2018 registered at Phaltan Police Station.

4 In the course of enquiry, the father of Monali had lodged a report at the police station alleging therein that Monali was harassed by her husband and the other family members on account of demand of dowry. That they wanted to purchase land. It appears that the applicant herein was working with ICICI Bank and was drawing salary of Rs. 28,000/-. Similarly, it was a economically sound family as they had agricultural land and were also supplying milk. There are documents on record to show that the applicant was not in need of money to purchase the land as the land was purchased earlier.

5 The learned Counsel for the applicant has drawn attention of

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this Court to the fact that Monali had given birth to a child 1 ½ or 2 months prior to the incident and she was passing through a state of post-partum and therefore, she had committed suicide.

6 On perusal of the post mortem notes, it is clear that Monali had not sustained any injury on that day. Moreover, at the time of incident, her husband and mother-in-law were in the agricultural land.

7 In view of the role attributed to the present applicant, papers of investigation and submissions advanced across the bar, the applicant deserves to be enlarged on bail.

8 The observations are restricted to an application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be considered for discharge or at the time of trial.

9 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. 50,000/- with one or more solvent sureties in the like amount.

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(iii) The applicant shall not tamper with the evidence.

10 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]