IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2155 OF 2018

1) Manoj Basavraj Khandi
2) Basavraj Virpakshappa Khandi ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr. Nitesh Mohite I/b. Mr. Jaydeep D. Mane for the Applicant.
Mr. S.S. Pednekar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 24th SEPTEMBER, 2018.

P.C.:-

This is an application filed under Section 439 of the Cr.P.C. by the aforesaid Applicants, who have been arrested in Crime No.387 of 2018 registered with Vijapur Naka Police Station, District-Solapur, for the offences punishable under Sections 306 r/w. 34 of the Indian Penal Code, 1860.

2. Heard Mr. Nitesh Mohite, the learned counsel for the Applicants and Mr. S.S. Pednekar, APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Swarali Khandi, the daughter of the deceased Megha and the Applicant No.1. The Applicant No.1 and Megha were married for 20 years. Said Megha committed suicide on 27th July, 2018. The first informant claims that Megha had committed suicide due to constant harassment and cruelty meted out to her by the Applicants and other members of their family.

4. It is to be noted that said Megha had committed suicide more than 20 years after her marriage. During the twenty years of her marriage she had not lodged any complaint against the Applicants or their family members. The allegations made against the Applicants, prima facie appears to be of general nature. Moreover, the records do not prima facie indicate that the Applicants had provoked, instigated or aided Megha in committing suicide or that they had facilitated the crime in any manner. The allegations levelled against the Applicants do not prima facie constitute acts of “abetment” within the meaning of Section 107 of the IPC.

5. The nature of allegations do not justify custodial interrogation. The Applicants are the permanent residents of Solapur

and hence, there is no possibility of the Applicants absconding or thwarting the course of justice.

6. In the light of above, in my considered view this is a fit case for grant of bail. Hence, the following order:-

(i) The application is allowed.

(ii) The Applicants are ordered to be released on bail on furnishing bail bonds of Rs.25,000/- each with one or two solvent sureties in the like amount to the satisfaction of the concerned Court.

(iii) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to the concerned Investigation Officer.

(iv) The Applicants shall not change their residential addresses without any prior intimation to the concerned Investigation Officer.

(v) The Applicants shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha Shridhar Parab
Digitally signed by Megha Shridhar Parab
Date: 2018.09.26 14:45:36 +0530