

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2900 OF 2017

1 Bapurao Atmaram Soudagar.
2 Atmaram Sopan Soudagar.
3 Vimal Atmaram Soudagar. .. Applicants.

V/s.

The State of Maharashtra. .. Respondent.

Mr. A.P. Mundargi, Sr. Counsel I/b. Mr. Jaydeep D. Mane, advocate for applicants.

Mr. Sarnath Sariputta Pramod, advocate for complainant.

Mr. N.B. Patil, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JUNE 27, 2018.

P. C. :

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

2 At the outset, the learned Senior Counsel upon instructions seeks liberty to withdraw the application of the applicant Nos. 1 and 2. Liberty as prayed for is granted. In view of this, this Court will consider the application of applicant No. 3.

3 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant No. 3 is arrested on 25/6/2017

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in Crime No. 442 of 2017 registered at Sangola Police Station for offence punishable under section 302, 316, 186 read with section 34 of the Indian Penal Code. Investigation is completed and charge-sheet is filed.

4 It is the case of the prosecution that on 24/6/2017 Prashant Suryakant Choure lodged a report at the police station alleging therein that the applicants herein had given information to one Dr. Piyush Patil with Anuradha, who happens to be the daughter-in-law of applicant No.3 had died due to heart attack. Thereafter, the dead body was taken to Civil Hospital, Sangola and it was informed to Dr. Yalpalle that Anuradha had committed suicide by hanging herself to ceiling fan with the help of saree. The first information is lodged by the brother of Anuradha. It was specifically informed to the police that there were strained relations between the couple and that her husband had illicit relations with Reshma who happens to be the wife of the present applicant No. 1 i.e. wife of the brother-in-law of deceased Anuradha.

5 In fact, false information is given to two doctors consequently about the cause of death of Anuradha. She had died in suspicious circumstances in her matrimonial home i.e. while in the custody of the present applicants. The provisional cause of death certificate itself indicated that the probable cause of death is abrasion on neck. In fact,

the post mortem notes in column no. 17 itself indicate that there were pressure abrasion in the form of ligature mark present around the neck. That there was contusion of size 4 x 1 cm. Present over posterior border of axilla, red in colour, which can be caused by hard and blunt object. The injuries itself indicated that Anuradha had died homicidal death and that she was assaulted prior to her death. It is pertinent to note that Anuradha was carrying pregnancy of almost 8 months.

6 Be that as it may, the applicant No. 3 happens to be the mother-in-law. The learned Senior Counsel submits that just because she happens to be at home, she has been implicated and that she had no role to play in causing homicidal death of Anuradha. The applicant No. 3 is in custody for one year. She is 60 years old. In view of this, she is entitled to be released on bail.

7 However, the observations are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be taken into consideration for discharge application or at the time of trial.

8 Hence, following order is passed :

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ORDER

- (i) The Criminal Bail Application is partly allowed.
 - (ii) The application of applicant Nos. 1 and 2 stands dismissed as withdrawn.
 - (iii) The application of applicant No. 3 is allowed.
 - (iv) The applicant No. 3 Vimal Atmaram Soudagar 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.
 - (v) The applicant No. 3 shall not tamper with the evidence.
- 9 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]