

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (BA) NO.85/2018**

Santosh Ramrao Ingale ..vs.. State of Maharashtra through PSO P.S.  
Pusad (Rural), Dist. Yavatmal.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

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Court's or Judge's orders.

Mr. M. V. Rai, Advocate for applicant.  
Mr. N. Rao, A.P.P. for non applicant-State.

**CORAM : V.M. DESHPANDE, J.**

**DATED : JANUARY 31, 2018**

1. Heard Mr. Rai, Advocate for applicant and Mr. Rao, A.P.P. for non applicant-State. I have also perused the material in the charge-sheet. The entire charge-sheet is placed on record by the applicant himself.

2. The FIR is lodged by Kisan Bele. The report is dated 26.12.2016. Kisan is father of deceased Kalpana, who committed suicide by consuming poisonous substance. The applicant is husband of Kalpana. His marriage with the deceased was performed on 10.07.2016. The date of suicide is 25.12.2016. The post mortem report shows that the deceased died due to consumption of poison though the CA report is yet to be made available on record. After registration of the FIR, the applicant-husband was arrested on the day of registration of the FIR itself. The other accused persons namely; brother in law and sister in law of the applicant, were released on bail by this Court (Coram: P.N.

Deshmukh, J.) on 14.03.2017. Similarly, Ramrao and his wife i.e. father in law and mother in law of the deceased were released on bail by this Court (Coram: S. B. Shukre, J.) on 20.04.2017.

3. According to the learned A.P.P., there are specific allegations against the present applicant in the FIR regarding demand of money and torture at his hands resulting into committing suicide by the deceased. He therefore submits that the application is required to be rejected.

4. With the assistance of the learned counsel for the applicant and the learned A.P.P. for the State, I have perused the FIR. From the FIR, it is clear that there are certain allegations against the present applicant. However, the piece of evidence as available and/or sought to be pressed into service against the accused persons by the prosecution has to be read in whole and not in piecemeal. The FIR itself shows that the first informant contacted Madhukar Rathod, Ashok Malwane and Bhimrao Jadhav and requested that they should mediate in the matter and shall give a word of advice to the present applicant. It is also stated in the FIR that after the mediation, on 18.12.2016, the applicant came to the house of the first informant and took the deceased along with him to her matrimonial house.

5. In the backdrop of the aforesaid statement, it would be imperative to peruse the statements of those three persons whose statements are recorded by the investigating officer during the course of investigation. The statements of said Madhukar, Bhimrao and Ashok are available in the compilation. They are at page nos.118 and 121. The statement of Madhukar shows that he received a phone call from first informant Kisan Bele and it was informed to him that the applicant and other family members are giving ill treatment to Kalpana because Kalpana has given wrong date of birth. Similarly, Bhimrao's statement also shows that he too received phone call from Kisan and informed as it was informed to Madhukar. Ashok's statement shows that he received phone call from Madhukar and Bhimrao. They informed that they received phone call from first informant informing them that Kalpana is receiving ill treatment because she informed her incorrect date of birth. The statements of these three witnesses show that thereafter they went to Pusad where the applicant used to reside. They called the applicant and inquired as to whether he is ready to cohabit with the deceased. The statements of these three independent witnesses show that at that time, Santosh replied that there is no dispute between him and his wife and he is ready to maintain his wife. After this, as per their statements, they returned to their village.

6. Their statements further show that after Diwali festival they again received phone call from the first informant thereby it was informed that after Kalpana came to her parental house for the purpose of Diwali, the applicant has not taken her back to her matrimonial house. These three persons were again requested by the first informant. Accordingly, as per their statements, they went to the house of the present applicant and asked as to why Kalpana is not being taken to her matrimonial house. That time, it was informed to them that his parents are not in Pusad and the applicant is attending the classes of competitive examination since he wishes to join the services and he is required to go to Pusad for giving examinations. It was also informed to them, as per the statements of these three independent witnesses, that after his parents return back, he will take back Kalpana to the house. The statements of these three witnesses further show that after 4-5 days when the parents of the applicant came back, the applicant came to the village Udad and thereafter along with him the deceased Kalpana went to her matrimonial house.

7. What is important to note from the statements of these three independent witnesses is that their statements are totally silent that at any point of time the first informant Kisan Bele has narrated to them that his daughter is subjected to cruelty at the hands of the

present applicant or his family members. Had there been any kind of ill treatment at the hands of the present applicant, when the first informant who was requesting these three witnesses to mediate in the matter, would not have missed to narrate about the ill treatment, to these witnesses.

8. The investigation is over. The charge-sheet is already filed. The applicant is arrested since 26.12.2016. Even today, charge is not framed is the statement of the learned counsel for the applicant.

9. In view of the aforesaid conspectus and the prosecution evidence, I am of the view that the applicant has made out a case for enlarging him on bail. Hence, following order is passed.

### **ORDER**

- (i) Criminal Application No.85/2018 is allowed.
- (ii) Applicant-Santosh Ramrao Ingale, be released on bail in connection with Crime No.356/2016 registered with Police Station Pusad (Rural), Dist. Yavatmal, for an offence punishable under Sections 304-B, 498-A, 323, 506 read with Section 34 of the Indian Penal Code on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence and also shall not try to influence

the prosecution witnesses.

(iv) The observations made in this order are prima facie in nature and they are made only for the purpose of deciding the present application for bail. The trial Court shall not get influenced by any of the observations made in the order.

The application is disposed of accordingly.

**JUDGE**

kahale