

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

CRIMINAL BAIL APPLICATION NO.1404 OF 2019

Mayur Dattatraya Ghadage & Ors. Applicants

versus

The State of Maharashtra Respondent

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- Mr.Chirag R. Sonecha, Advocate for Applicant.
- Mr.Prashant Jadhav, APP for the State/Respondent.
- PN Pravn Patil, Kadegaon Police Station, Sangli, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 15th JULY, 2019

P.C. :

1. The Applicants are seeking bail in connection with C.R.No.224/18 registered with Kadegaon Police Station, Sangli, under sections 498 (A), 306, 304(B), 323, 504, 506 r/w 34 of the Indian Penal Code.

2. The FIR was initiated at the instance of the first informant Asha Sunil Nalawade, who had lodged her FIR on 05/12/2018. She has stated that her daughter Archana was

married with the present Applicant on 19/07/2017. The Applicant Nos.2 and 3 are his parents and the Applicant No.4 is his brother. In the FIR, she has stated that, for the initial period of six months Archana was treated properly by the Applicants, but since about February 2018 the Applicant started illtreating her. It was her case that the Applicant No.4 was engaged to be married to a girl from a rich family and since then the informant's daughter was harassed by the Applicant. It is the case of the first informant that the Applicants started demanding Rs.2 lakhs for purchasing a new four wheeler vehicle. It is the case of first informant that Archana used to tell about the harassment on telephone. The first informant and others came to Applicants and pleaded with them not to illtreat Archana. On 04/12/2018 the first informant was informed by the Applicant No.4 that Archana had committed suicide by hanging herself. After this, the first informant lodged her FIR. All the Applicants were arrested on 05/12/2018 and since then they are in custody. Investigation in this case is over. The charge-sheet is already filed.

3. Heard learned Counsel Mr.Chirag R. Sonecha for the Applicants and learned APP Mr.Prashant Jadhav for the State.
4. Learned Counsel for the Applicants submitted that the Applicants were from a well to do family and they already owned a four wheeler which can be seen from the documents in charge-sheet itself. The papers show that the Applicant No.3 was having a four wheeler bearing registration No.MH-01-G-2012 since the year 2012. He submitted that the Applicant No.4 was engaged to be married to a rich girl, therefore there was no necessity for anybody to harass Archana. He invited my attention to the post-mortem notes which did not show any other injury except ligature mark. The cause of death was “due to Asphyxia due to hanging”. He therefore submitted that the Applicants have not committed any offence and in any case their further custody is not required.
5. Learned APP opposed this Application. He submitted

that the offence u/s 304-B of IPC is also added. The offences are serious and therefore the Applicants do not deserve to be released on bail.

6. I have considered the submissions advanced by both the parties. The allegations in the FIR may amount to offence u/s 498-A, 304-B of IPC. However, there is some force in the submissions of learned Counsel for the Applicant that the Applicant No.4 was already engaged to marry a rich girl. The Applicants had four wheeler car of their own. There are no specific instances of harassment mentioned in the FIR. The Applicants are in custody since 05/12/2018. The investigation is over. There are no allegations of commission of murder. The prosecution case is restricted to section 304-B coupled with section 306 of IPC. In this view of the matter, the custody of the present Applicant during pendency of the trial which may take very long time, is not necessary. The Applicants can be directed to be released on bail during pendency of the trial. Hence, the following order :

ORDER

- (i) The Applicants are directed to be released on bail in connection with C.R.No.224/18 registered with Kadegaon Police Station, Sangli, on their furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)