

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

ANTICIPATORY BAIL APPLICATION NO.419 OF 2019

Manohar Ramlal Rathod & Ors.

.... Applicants

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Niranjan Mundargi i/b. Vinaya G. Padwal, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.
- PSI Mr.Sandip Bagul, Chikhli Police Station, Pimpri-Chinchwad, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 08th AUGUST, 2019

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.17/18 registered with Chikhli Police Station, Pimpri-Chinchwad, under sections 498-A, 306 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Janabai Ramesh Jadhav, who is the mother of the deceased. She has stated in her FIR that the deceased had got married with the Applicant No.1 about 10

years prior to the incident. Initially, she was residing in a joint family with parents-in-law and brothers-in-law. It is alleged that she was not being treated properly on petty issues. Therefore she had gone to reside with her mother. However, with intervention of their relatives, she was again sent to reside with the Applicant No.1. In the year 2012, she delivered her first daughter. The in-laws were unhappy and did not bother to come immediately to see the new born baby. It is alleged that the Applicant No.1 was demanding one Tola gold for taking her back. After 2-3 months, the deceased was taken to her matrimonial house. It is further alleged that after that the marriage between Applicant Nos.3 and 4 took place. They also started residing in Pune. Initially the deceased, Applicant Nos.3 and 4 were residing together. But subsequently Applicant Nos.3 and 4 started residing separately. The deceased was suspecting that the Applicant No.1 was having illicit relations with Applicant No.4. In the meantime the second daughter was born to the deceased. It is the case of the first informant that the Applicant No.1 was illtreating her. The Applicant Nos.5 and 6

were residing at Yewatmal. They used to instigate the Applicant No.1 telephonically and used to make him fight with the deceased. It is further alleged that the Applicant No.1 pressurized the deceased to bring Rs.5 lakhs for purchasing a flat. The informant has stated that the Applicant No.1 was given Rs.1,50,000/- for purchasing the flat. In spite of that, the deceased was continuously illtreated. On 18/10/2018 the deceased fell from second floor of their building and died on the spot. The informant and her family members were informed and they came to Pune. After that the informant lodged her FIR.

3. The investigation is carried out. The Applicants are apprehending arrest in connection with this offence.
4. Heard learned Counsel Mr.Niranjan Mundargi for the Applicants and learned APP Ms.S.S. Kaushik for the State.
5. Mr.Mundargi submitted that the Applicant Nos.2 to 6 were residing separately. The Applicant Nos.2, 5 and 6 were not even residing in Pune. The Applicant No.5 and 6 were residing

at a far away place at Yewatmal. Therefore their false implication is clearly brought forth in the FIR itself. He further stated that the allegations are baseless. The Applicant had purchased a flat in the joint name of himself and the deceased. He produced bank account statement to show and submit that the EMIs are being paid from his salary and there is nothing to show that the present Applicant No.1 had taken any financial help from the informant or her family. The flat was purchased without in any contribution from the deceased or family of the deceased. Neither he had any grievance against the deceased nor deceased had grievance against him.

6. Learned Counsel for the Applicant relied on some photographs which are annexed to this application pertaining to the date of incident i.e. 18/10/2018. On that day the Applicant No.1, the deceased and their two daughters had spent the day happily together. The Applicant No.1 had purchased an ornament for the deceased. A receipt to that effect is annexed to this application. The photographs show that the deceased was in

a happy state of mind. She had performed Pooja of their vehicle on the date of Dassera. The learned Counsel for the Applicants relied on other photographs which were taken only a couple of days prior to the incident in which the entire family is seen in happy state of mind. He further stated that there is nothing to show that there was any dispute between the Applicants and the deceased. He submitted that at this stage, there is nothing to show that it was a case of suicide. He submitted that the possibility of accidental death is not ruled out even at this stage.

7. Learned APP produced before me the investigation papers in respect of investigation carried out so far. This included the statements of family members of the first informant which are on the same lines as the FIR. Besides these statements there is a statement of one neighbour. That statement shows that on 18/10/2018 at 9.00 p.m. the deceased had come to this witness and had given her food, which was specially cooked on the day of festivities. Thereafter shortly this incident had occurred. The post-mortem notes show that there were four

injuries which are described as graze abrasions which had occurred perhaps during the fall from the second floor. The cause of death was mentioned as “death due to injury on vital organs.” The prosecution is not sure about the exact spot where the dead body was lying or the place from where the deceased had fallen.

8. Learned APP submitted that when the police arrived on the spot, the body was already removed and police are depending only on the information supplied by the watchman, who had seen body lying on the spot. At this stage, the prosecution is not even sure from which place the deceased had fallen.

9. The investigating agency has not controverted the photographs attached to this application. This means that, on that particular date the family had a spent a happy day together. The Applicant No.1 had even purchased an ornament for the deceased. This does not indicate any serious dispute leading the

deceased to commit suicide. In any case, the photographs and receipt of ornament show that the couple did not have major issues between them and certainly not to the extent which would drive the deceased to commit suicide. Only a few minutes before the incident, the deceased had given specially cooked sweets to her neighbour. As rightly pointed out by the learned Counsel for the Applicant the flat was purchased in the joint name with the deceased. Therefore there is nothing to show that the deceased was harassed on that count. The Applicant Nos.5 and 6 were residing at Yewatmal and yet they are also roped in the FIR. The Applicant No.2 is also resided elsewhere. Thus the FIR on the face of it describes the grievance of the informant in an exaggerated way. Therefore the custodial interrogation of the present Applicants would be very unfair and unnecessary. In this view of the matter, the Applicants have made out the case of protection of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.17/18 registered with Chikhli Police

Station, Pimpri-Chinchwad, the Applicants are directed to be released on bail 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.)