

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.743 OF 2019

Deepak Sadashiv Donde] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Ramesh Dube-Patil i/b M/s. Jay And Co., Advocate for the Applicant.

Mr. S.H. Yadav, APP for the State/Respondent.

PSI Sachin Shendkar attached to Indira Nagar Police Station, District Nashik present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 7th AUGUST, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R. No.85/2019 registered with Indira Nagar Police Station, District Nashik u/sec. 306, 323, 504, 506 of I.P.C.

2. The FIR is lodged on 08/03/2019 by one Ritesh Gawande in respect of suicide committed by his sister Sheetal. He has mentioned in his FIR that, Sheetal had got married with the present applicant in the year 2007. They have a son aged about 10 years and a daughter

aged about 6 years. The deceased was residing with the applicant, his mother and their children. According to the first informant, the applicant was addicted to liquor and always used to tell the deceased to bring money for household expenses. The informant's family itself was dependent on their earnings through labour work. Therefore, they were unable to fulfill his demands. The applicant used to assault the deceased. On 28/02/2019, the deceased had told her father that, the applicant had assaulted her. Her father had told her to come to her parental house. She told him that, she would come after her children's examinations were over. On 02/03/2019, the deceased hanged herself at around 11.30 a.m. Her own daughter saw her in that position. The daughter informed the son and neighbours who came there and removed her to hospital. She survived for 3 to 4 more days and died on 06/03/2018. Therefore, on 08/03/2019, the FIR was lodged.

3. Heard Mr. Ramesh Dube-Patil, Ld. Counsel for the Applicant and Mr. S.H. Yadav, Ld. APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that, the deceased was suffering from serious ailment of Tuberculosis and Thyroid imbalance.

She was depressed because of that disease. According to Ld. Counsel for the applicant, that was the cause of her committing suicide. He further submitted that, the statements of children of the victim are recorded and they have told the truth.

5. As against these submissions, Ld. APP relied on the investigation carried out so far. The postmortem notes show that, the cause of death was “Asphyxia Due To Hanging”. There were no other injuries on the dead body. The investigation papers contain statements of sisters of the deceased namely Meena Jadhav, Kalpana Talakhe and Sanjana Gangurde. They have consistently stated that, the deceased was not treated properly by the applicant and was assaulted on petty issues. The applicant was addicted to liquor and was regularly demanding money from her parental house for their household expenses. Even 15 days prior to the incident, the applicant had assaulted the deceased. As against these statements of the sisters and brother of the deceased, the police have recorded the statement of the neighbour Ravindra Jadhav and Anita Pagare. Ravindra Jadhav had removed the deceased when she was still alive to hospital. Anita Pagare was her neighbour. This witness has stated that, deceased

used to regularly talk about her disease. She has stated that, the deceased was ill for more than three years.

6. The police have recorded the statements of the young son and daughter of the deceased. Their statements are also recorded by the Child Welfare Committee. In all these statements, they have categorically stated that, the applicant and the deceased had cordial relations and the applicant never used to harass her or assault her. They have also stated that, the sisters of the deceased used to visit their house and used to pressurise the applicant, to look after the deceased.

7. The above statements show that, though the deceased's sisters and brother have mentioned that, the deceased was harassed and assaulted, the children's statements and the neighbours statement do not support this. Moreover, the Ld. Counsel for the applicant has rightly relied on the medical history of the deceased which shows that, she was suffering from above mentioned disease since the year 2016. The applicant has annexed the medical papers of her treatment. This shows that, she was regularly taken for medical treatment by the applicant right from the year 2016 till almost upto her death. Thus, at

this stage, a strong possibility is made out that, the deceased had taken this extreme step because of her disease. In this view of the matter, custodial interrogation of the applicant is not justifiable. Even otherwise in the background of these allegations, nothing further can be elicited through his custodial interrogation. Therefore, the applicant deserves to be granted protection of anticipatory bail. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R. No.85/2019 registered with Indira Nagar Police Station, District Nashik, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)